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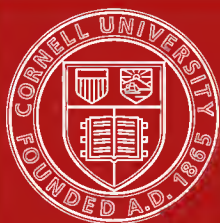
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STATE OF NEW YORK

PUBLIC PAPERS

OF

THEODORE ROOSEVELT

GOVERNOR

1900

ALBANY, N. Y.
BRANDOW PRINTING COMPANY
DEPARTMENT PRINTERS
1900

R 55779

PUBLIC PAPERS
OF
GOVERNOR ROOSEVELT
1900

DESIGNATION OF JUSTICE CULLEN TO THE
COURT OF APPEALS

STATE OF NEW YORK

Executive Chamber

WHEREAS the Judges of the Court of Appeals have certified to me that said Court is unable by reason of the accumulation of causes pending therein to hear and dispose of the same with reasonable speed;

THEREFORE by virtue of the power conferred upon me by section seven of article six of the Constitution, I do hereby appoint the

Honorable EDGAR M. CULLEN

of the county of Kings who is a Justice of the Supreme Court for the Second Judicial District to serve as an Associate Judge of the Court of Appeals from and after the first day of January 1900 until the causes undisposed of

in said Court shall have been reduced to two hundred in number.

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L s] second day of January in the year of our Lord
nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

DESIGNATION OF JUSTICE LANDON TO THE COURT OF APPEALS

STATE OF NEW YORK

Executive Chamber

WHEREAS the Judges of the Court of Appeals have certified to me that said Court is unable by reason of the accumulation of causes pending therein to hear and dispose of the same with reasonable speed;

THEREFORE by virtue of the power conferred upon me by section seven of article six of the Constitution, I do hereby appoint the

Honorable JUDSON S. LANDON

of Schenectady who is a Justice of the Supreme Court for the Fourth Judicial District to serve as an Associate Judge of the Court of Appeals from and after the first

day of January 1900 until the causes undisposed of in said Court shall have been reduced to two hundred in number.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany this
[L S] second day of January in the year of our Lord nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

DESIGNATION OF JUSTICE WERNER TO THE COURT OF APPEALS

STATE OF NEW YORK

Executive Chamber

WHEREAS the Judges of the Court of Appeals have certified to me that said Court is unable by reason of the accumulation of causes pending therein to hear and dispose of the same with reasonable speed;

THEREFORE by virtue of the power conferred upon me by section seven of article six of the Constitution, I do hereby appoint the

Honorable WILLIAM E. WERNER

of the city of Rochester who is a Justice of the Supreme Court for the Seventh Judicial District to serve as an Associate Judge of the Court of Appeals from and after the first day of January 1900 until the causes undisposed of

in said Court shall have been reduced to two hundred in number.

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L s] second day of January in the year of our Lord
nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

COMMISSION TO EXAMINE INTO THE SANITY OF SQUIRE TANKARD, CONVICT

STATE OF NEW YORK

Executive Chamber

CHARLES L. DANA, M. D. and CHARLES H. G. STEIN-
SIECK, M. D., both of the city of New York, are hereby
appointed commissioners to make examination as to the
sanity of SQUIRE TANKARD, now confined in the Auburn
State Prison under sentence of death, and to report
thereon with their conclusions touching the same; such
report to be made to me in writing.

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L s] second day of January in the year of our Lord
nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

ANNUAL MESSAGE

STATE OF NEW YORK

Executive Chamber

Albany, January 3, 1900

TO THE LEGISLATURE OF THE STATE OF NEW YORK:

It is a very genuine pleasure to congratulate the Legislature upon the substantial sum of achievement in legislation and administration of the past year. Laws of the utmost usefulness to the community have been enacted, and there has been a steady betterment throughout the year in the methods and results of the administration of the government.

CANALS

The first matter which had to be dealt with on the incoming of the new administration was the question of the canals. New York State led the Union in the development of canal navigation. Of recent years the change in the methods of transportation, by immensely increasing the railroad competition with the canal, has greatly altered the conditions of successful administration of the latter. There were really two questions to be solved in reference to the canals. The first was as to their administration; the second as to the general canal policy of the State in the future. A very slight examination showed that as regards the latter there were not sufficient data to warrant the formulation of an intelligent policy. A commission appointed by my predecessor to examine into the conditions which make for the commercial supremacy

of the State, was still sitting. This commission was continued. The subject with which it dealt was of so vast and of such vital importance that it has not yet been able to complete its labors; and it was evident it would not have time to consider the canal problem in the way that was desirable. I accordingly appointed a committee consisting of General Francis V. Greene of New York, Mr. Frank S. Witherbee of Port Henry, Major Symons of the U. S. Army, Mr. John P. Scatchard of Buffalo, and ex-Mayor George E. Green of Binghamton, to examine the whole canal question. Their report will be ready in about a fortnight, and will be submitted to the Legislature with a special message, probably submitting at the same time the report of the Commerce Commission. I wish to call attention to the fact that the gentlemen serving on these two bodies are business men, whose lives are filled with exacting duties; yet they have given, unpaid, months of their valuable time and their best thought and effort to the solution of these problems. Such disinterested expert service is of incalculable value to the State and makes it greatly the debtor to the men rendering the service. The conduct of these two commissions, and of the Commission on the Educational Bill emphasizes one of the most pleasing features of our public life, viz.: the readiness with which able and high-minded private citizens will do special public work when they are convinced of its necessity from the public standpoint.

There remained the question of the proper administration of the canals. Very grave accusations had been made against the former canal management; accusations which varied from charges of mere inefficiency and bad judgment, to charges of wholesale personal corruption, criminal in its character.

SUMMARY OF WHAT WAS DONE

Such being the conditions, there were two things to be done: first, to secure by the employment of the best counsel an investigation which would be final and complete, and determine whether it were possible to proceed criminally against any contractor or public employee; and, second, if there had been no criminal misconduct, but if there had been failure to manage the canals so as to secure the best results for the State then, to provide a thorough and radical change in the management. These were the only two lines on which action could be taken. On both of them action was taken. On the one hand, the investigation was so conducted as to leave no room for any further question as to criminal proceedings; and, on the other hand, the reformation in the methods of management has been so complete as to leave nothing to be done save to continue and perfect the new system.

DETAILED STATEMENT

As a result of the reports made to my predecessor in office by the commission appointed by him to make an investigation concerning the work of improving and enlarging the canals under the acts of 1895 and 1896, commonly known as the "Nine Million Dollar Acts," the accusation against the then existing canal management had been resolved into two categories.

In the first place it was asserted that there had been on the part of the outgoing State Engineer and Surveyor and of the former Superintendent of Public Works, malfeasance and misfeasance in office which called for the criminal prosecution of themselves, of their subordinates and of certain contractors. This was a legal question,

for if guilty, their punishment could come only through the courts, inasmuch as they were out of office. The ordinary machinery of the law was set in motion by the Attorney-General with the purpose of securing the punishment of any delinquent. In almost any other case, in view of the zeal with which the Attorney-General was carrying on these prosecutions, I should not have deemed it necessary to take any extraordinary action. But the charges were so grave and had been given such widespread publicity that I felt warranted in asking the assistance of the Legislature to enable me to take steps that would guarantee beyond all possibility of doubt the prosecution and punishment of any criminal who could be discovered by rigorous and searching investigation.

Accordingly, I appointed Mr. Austen G. Fox and Mr. Wallace Macfarlane of New York, well-known members of the Bar, of opposite political faith to the accused, and the latter United States District Attorney in New York under President Cleveland, to assist the Attorney-General in the institution and prosecution of such criminal proceedings as should be warranted by the testimony taken by the Investigating Commission and the reports made thereupon to my predecessor. The Legislature appropriated \$20,000 to pay the expenses of the investigation. After working for several months, counsel reported to me that, in their opinion, on the evidence obtainable by them, criminal prosecutions were inadvisable and impracticable. In the absence of evidence of fraudulent collusion between the State officers and the contractors, counsel concluded that the numerous instances of apparently unjustifiable favoritism to contractors, and of improvident agreements, reported by the Commission,

could not be said to be of a criminal character, though they did subject the State to a large pecuniary loss, and apparently showed grave delinquency on the part of those charged with the execution of the work. The delinquency shown justified public indignation; but it did not afford ground for criminal prosecution.

The special counsel stated at length their reasons for their conclusions, and the report is herewith transmitted to you.

There is probably no lawyer of high standing in the State who, after studying the report of counsel in this case and the testimony taken by the Investigating Commission, would disagree with them as to the impracticability of a successful prosecution. Under such circumstances the one remedy was a thorough change in the methods and management. This change has been made.

RESULTS

The new Superintendent has managed the canals with the care and skill which would be expected in a private business enterprise. It is unnecessary to say that the highest standard of integrity has been demanded. There has been no toleration whatever of inefficiency, and no retention of any man who filled a needless position or who filled unworthily a necessary position. The season of 1899 was one of unusual activity on the canals; but the good effect of the new Superintendent's administration was made strikingly evident when, at the close of the fiscal year on October 1st, the accounts were made up. For the last eight months of the fiscal year ending October 1, 1899, although more business was done, the canals were run at a cost of about \$450,000 as against

about \$590,000 for the same eight months of the preceding year, a net saving of nearly \$140,000, or about twenty-five per cent. No work has been entered upon or permitted for any cause whatsoever save the needs of the canals. No man has been appointed save when it appeared that there was actual need of his services and that he could ably and honestly perform the duties of the place sought. No man who did his duty well has been jeopardized in his position; and no man known to have failed in his duty has been retained. In short, the canals have been managed with an eye single to the public good.

THE CANAL BOARD

Under chapter 544, Laws of 1899, providing for the termination of certain of the outstanding contracts aggregating upwards of four million dollars, contractors representing contracts aggregating upwards of \$2,350,000 made application to the Canal Board for their termination. Before "finding and determining what amounts were properly due," a committee of the Canal Board consisting of the Comptroller, the Attorney-General, the State Engineer and the Superintendent of Public Works was appointed to examine and report upon the status of the contracts for the termination of which application had been made. The conditions surrounding every contract were carefully examined. Reference was made to the report of the Canal Investigating Commission, to the report of the Engineers to the Commission and to the original testimony upon which the report of the Investigating Commission was based; also to the reports of Messrs. Fox and Macfarlane, and Mr. Shove. The contracts, specifi-

cations and agreements for extra work were carefully scrutinized and all the attending circumstances were considered as they actually existed.

TAXATION

The whole problem of taxation is now, as it has been at almost all times and in almost all places, one of extreme difficulty. It has become more and more evident in recent years that existing methods of taxation, which worked well enough in a simpler state of society, are not adequate to secure justice when applied to the conditions of our complex and highly specialized modern industrial development. At present the real estate owner is certainly bearing an excessive proportion of the tax burden. Men who have made a special study of the theory of taxation and men who have had long experience in its practical application are alike in conflict among themselves as to the best general system. Absolute equality, absolute justice in matters of taxation will probably never be realized; but we can approximate it much more closely than at present. The last Legislature most wisely appointed a committee to consider the feasibility of a thorough and far-reaching change in our tax laws; and there is good reason to believe that their forthcoming report will present a scheme which will receive the support of substantially all classes of taxpayers, and which will be of such a character as to commend itself to the most careful consideration of your body upon broad lines.

The law must not only be correct in the abstract; it must work well in the concrete. Experience shows that certain classes or symbols of property which in theory ought to be taxed cannot under the present practice be

reached. Some kinds of taxes are so fertile in tempting to perjury and sharp dealing that they amount to taxes on honesty — the last quality on which we should impose a needless burden. Moreover, where the conditions and complexity of life vary widely as between different communities, the desirability and possibility of certain taxes may seem or be so different that it is hard to devise a common system that will work. If possible the State tax should be levied on classes of property, and in a manner, which will render it collectible with entire fairness in all sections of the community, as for instance the corporation or collateral inheritance tax is now collected. So far as possible we should divorce the State and municipal taxes, so as to render unnecessary the annual equalization of values between the several counties which has proved so fertile a source of friction between the city and the country.

There is a constant influx into New York State of capital oftentimes previously incorporated under the laws of other States, and an increasing number of men of means from other parts of the country, non-residents of New York, come into this State to sojourn and to conduct and be at the head of various business enterprises which are drawn to New York as the financial center of the whole country. This calls for legislation which shall provide, in a broad and fair spirit, for taxing foreign capital in this State, whether in corporate or individual form, exactly as we tax domestic capital doing business along the same lines.

I call your attention to the fact that the great burden of taxation is local not State. In the large cities the heavy local charges are mainly due to the action of the

local authorities themselves. For this the local authorities are of course responsible. But sometimes taxation is added to by legislative enactment.

On certain points the failure of the tax laws has become so evident that it is possible to provide more or less complete remedies without waiting for a general scheme of reorganization. Again and again in recent years this has been recognized, and through legislative enactment certain species of property which had escaped taxation have been made to pay their proper share of the public burdens. The collateral inheritance tax offers a case in point. The corporation tax offers another. In all these matters of taxation, however, it is necessary to proceed with extreme caution, the path never being so simple and clear as the advocates of any particular measure invariably believe. Every wealthy corporation that perpetrates or is allowed to perpetrate a wrong helps to produce or inflame a condition of angry excitement against all corporations, which in its turn may in the end harm alike the honest and the dishonest agents of public service and thereby do far-reaching damage to the whole body politic. Much of the outcry against wealth, against the men who acquire wealth, and against the means by which it is acquired, is blind, unreasoning and unjust; but in too many cases it has a basis in real abuses; and we must remember that every act of misconduct which affords any justification for this clamor is not only bad because of the wrong done, but also because the justification thus given inevitably strengthens movements which are in reality profoundly anti-social and anti-civic. Our laws should be so drawn as to protect and encourage corporations which do their honest duty by the public; and

to discriminate sharply against those organized in a spirit of mere greed, or for improper speculative purposes.

There is plenty of misconduct, plenty of selfish disregard of the rights of others, and especially of the weak. There is also plenty of honorable and disinterested effort to prevent such misconduct or to minimize its effects. Any rational attempt to prevent or counteract the evils, by legislation or otherwise, is deserving of hearty support; but it cannot be too deeply impressed upon us that such attempts can result in permanent good only in proportion as they are made in a sane and wholesome spirit, as far removed as possible from whatever is hysterical or revolutionary. It is infinitely better when needed social and civic changes can be brought about as the result of natural and healthy growth than when they come with the violent dislocation and widespread wreck and damage inevitably attendant upon any movement which is revolutionary in its nature.

THE FRANCHISE TAX

At the same time a change should never be shirked on the ground of its being radical, when the abuse has become flagrant and no other remedy appears possible. This was the case with the taxation of local franchises in this State. For years most of these franchises escaped paying their proper share of the public burdens. The last Legislature placed on the statute book a law requiring them to be treated as real estate for the purposes of taxation, the tax to be assessed and collected by the State Assessors for the benefit of the localities concerned. This marks an immense stride in advance. Of course at first serious difficulties are sure to arise in enforcing it. The

means for carrying it into effect are very inadequate. There may be delay before we get from it the substantial additions to the revenue which will finally accrue, and there may be disappointment to the enthusiasts who are so apt to hope too much from such legislation. But it will undoubtedly add largely to the public revenues as soon as it is fairly in operation, and the amount thus added will increase steadily year by year. The principle which this law establishes has come to stay. There will doubtless have to be additional legislation from time to time to perfect the system as its shortcomings are made evident in actual practice. But the corporations owning valuable public franchises must pay their full and proper share of the public burdens.

The franchise tax law is framed with the intent of securing exact and equal justice, no more and no less. It is not in any way intended as a means for persecuting or oppressing corporations. It is not intended to cut down legitimate dividends; still less to cut down wages or to prevent a just return for the far-sighted business skill of some captain of industry who has been able to establish a public service greatly to the advantage of the localities concerned, where before his time men of less business capacity had failed. But it is intended that property which derives its value from the grant of a privilege by the public, shall be taxed proportionately to the value of the privilege granted. In enforcing this law, much tact, patience, resolution and judgment will be needed. All these qualities the State Board of Tax Commissioners have thus far shown. Their salaries are altogether inadequate, for the new law has immensely increased not only their responsibilities, but their work. They should be

given not only the needed increase for themselves, but also an appropriation for an additional number of clerks and experts.

During the year 1899 not a single corporation has received at the hands of the State of New York one privilege of any kind, sort or description, by law or otherwise, to which it was not entitled, and which was not in the public interest; nor has corporate influence availed against any measure which was in the public interest. At certain times, and in certain places, corporations have undoubtedly exerted a corrupting influence in political life; but in this State for this year it is absolutely true, as shown by the history of every measure that has come before the Legislature from the franchise tax down, that no corporate influence has been able to prevail against the interests of the public.

THE STATE AND PUBLIC UTILITIES

It has become more and more evident of late years that the State will have to act in its collective capacity as regards certain subjects which we have been accustomed to treat as matters affecting the private citizen only, and that furthermore, it must exercise an increasing and more rigorous control over other matters which it is not desirable that it should directly manage. It is neither possible nor desirable to lay down a general hard and fast rule as to what this control should be in all cases. There is no possible reason in pure logic why a city, for instance, should supply its inhabitants with water, and allow private companies to supply them with gas, any more than there is why the general government should take charge of the delivery of letters but not of telegrams. On the

other hand, pure logic has a very restricted application to actual social and civic life, and there is no possible reason for changing from one system to the other simply because the change would make our political system in theory more symmetrical. Obviously it is undesirable that the government should do anything that private individuals could do with better results to the community. Everything that tends to deaden individual initiative is to be avoided, and unless in a given case there is some very evident gain which will flow from State or municipal ownership, it should not be adopted. On the other hand, when private ownership entails grave abuses, and where the work is of a kind that can be performed with efficiency by the State or municipality acting in its collective capacity, no theory or tradition should interfere with our making the change. There is grave danger in attempting to establish invariable rules; indeed it may be that each case will have to be determined upon its own merits. In one instance a private corporation may be able to do the work best. In another the State or city may do it best. In yet a third, it may be to the advantage of everybody to give free scope to the power of some individual captain of industry.

On one point there must be no step backward. There is a consensus of opinion that New York must own its own water supply. Any legislation permitting private ownership should be annulled.

MODERN INDUSTRIAL CONDITIONS

Nothing needs closer attention, nothing deserves to be treated with more courage, caution and sanity, than the relations of the State to corporate wealth, and indeed to

vast individual wealth. For almost every gain there is a penalty, and the great strides in the industrial upbuilding of the country, which have on the whole been attended with marked benefit, have also been attended by no little evil. Great fortunes are usually made under very complex conditions both of effort and of surrounding, and the mere fact of the complexity makes it difficult to deal with the new conditions thus created. The contrast offered in a highly specialized industrial community between the very rich and the very poor is exceedingly distressing, and while under normal conditions the acquirement of wealth by an individual is necessarily of great incidental benefit to the community as a whole, yet this is by no means always the case. In our great cities there is plainly in evidence much wealth contrasted with much poverty, and some of the wealth has been acquired, or is used, in a manner for which there is no moral justification.

A profound political and social thinker has recently written: "Wealth which is expended in multiplying and elaborating real comforts, or even in pleasures which produce enjoyment at all proportionate to their cost, will never excite serious indignation. It is the colossal waste of the means of human happiness in the most selfish and most vulgar forms of social advertisement and competition that gives a force to passions which menace the whole future of our civilization." But in continuance this writer points out that the only effectual check lies in the law of public opinion. Any attempt to interfere by statute in moral questions of this kind, by fettering the freedom of individual action, would be injurious to a degree far greater than is the evil aimed at. Probably the large majority of the fortunes that now exist in this

country have been amassed, not by injuring mankind, but as an incident to the conferring of great benefits on the community — whatever the conscious purpose of those amassing them may have been. The occasional wrongs committed or injuries endured are on the whole far outweighed by the mass of good which has resulted. The true questions to be asked are: Has any given individual been injured by the acquisition of wealth by any man? Were the rights of that individual, if they have been violated, insufficiently protected by law? If so, these rights, and all similar rights, ought to be guaranteed by additional legislation. The point to be aimed at is the protection of the individual against wrong, not the attempt to limit and hamper the acquisition and output of wealth.

It is almost equally dangerous either to blink evils and refuse to acknowledge their existence, or to strike at them in a spirit of ignorant revenge, thereby doing far more harm than is remedied. The need can be met only by careful study of conditions, and by action which while taken boldly and without hesitation is neither heedless nor reckless. It is well to remember on the one hand that the adoption of what is reasonable in the demands of reformers is the surest way to prevent the adoption of what is unreasonable; and on the other hand that many of the worst and most dangerous laws which have been put upon statute books have been put there by zealous reformers with excellent intentions.

TRUSTS

This problem has a hundred phases. The relation of the capitalist and the wageworker makes one; the proper attitude of the State towards extreme poverty another;

the proper attitude of the State towards the questions of the ownership and running of so-called "public utilities," a third. But among all these phases, the one which at this time has the greatest prominence, is the question of what are commonly termed "trusts," meaning by the name those vast combinations of capital, usually flourishing by virtue of some monopolistic element, which have become so startlingly common a feature in the industrial revolution which has progressed so rapidly during recent years.

Every new feature of this industrial revolution produces hardship because in its later stages it has been literally a revolution instead of an evolution. The new inventions and discoveries and the new methods of taking advantage of the business facilities afforded by the extraordinary development of our material civilization have caused the changes to proceed with such marvelous rapidity, that at each stage some body of workers finds itself unable to accommodate itself to the new conditions with sufficient speed to escape hardship. In the end the accommodation of the class takes place; at times too late for the well being of many individuals. The change which would be unaccompanied by hardship if it came slowly, may be fraught with severe suffering if it comes too fast, even when it is in the end beneficial. Occasionally, moreover, the change is positively deleterious, and very often, even when it is on the whole beneficial, it has features which are the reverse. In some cases, while recognizing the evil, it is impossible with our present knowledge to discover any remedy. In others, a remedy can be applied, but as yet only at a cost that would make it worse than the trouble itself. In yet others it is possible, by acting

with wisdom, coolness and fearlessness, to apply a remedy which will wholly or in great part remove the evil while leaving the good behind. We do not wish to discourage enterprise. We do not desire to destroy corporations; we do desire to put them fully at the service of the State and the people.

The machinery of modern business is so vast and complicated that great caution must be exercised in introducing radical changes for fear the unforeseen effects may take the shape of widespread disaster. Moreover, much that is complained about is not really the abuse so much as the inevitable development of our modern industrial life. We have moved far away from the old simple days when each community transacted almost all its work for itself and relied upon outsiders for but a fraction of the necessities, and for not a very large portion even of the luxuries, of life. Very many of the anti-trust laws which have made their appearance on the statute books of recent years have been almost or absolutely ineffective because they have blinked the all-important fact that much of what they thought to do away with was incidental to modern industrial conditions, and could not be eliminated unless we were willing to turn back the wheels of modern progress by also eliminating the forces which had brought about these industrial conditions. Not only trusts, but the immense importance of machinery, the congestion of city life, the capacity to make large fortunes by speculative enterprises, and many other features of modern existence could be thoroughly changed by doing away with steam and electricity; but the most ardent denouncer of trusts would hesitate to advocate so drastic a remedy. What remains for us to do, as practical men, is to look

the conditions squarely in the face and not to permit the emotional side of the question, which has its proper place, to blind us to the fact that there are other sides. We must set about finding out what the real abuses are, with their causes, and to what extent remedies can be applied.

That abuses exist, and that they are of a very grave character; it is worse than idle to deny. Just so long as in the business world unscrupulous cunning is allowed the free rein which, thanks to the growth of humanity during the past centuries, we now deny to unscrupulous physical force, then just so long there will be a field for the best effort of every honest social and civic reformer who is capable of feeling an impulse of generous indignation and who is far-sighted enough to appreciate where the real danger to the country lies. The effects are bad enough when the unscrupulous individual works by himself. They are much worse when he works in conjunction with his fellows through a giant corporation or trust. Law is largely crystallized custom, largely a mass of remedies which have been slowly evolved to meet the wrongs with which humanity has become thoroughly familiar. In a simple society only simple forms of wrong can be committed. There is neither the ability nor the opportunity to inflict others. A primitive people provides for the punishment of theft, assault and murder, because the conditions of the existing society allow the development of thieves and murderers and the commission of deeds of violence; but it does not provide for the punishment of forgery because there is nothing to forge, and, therefore, no forgers. The gradual growth of humanitarian sentiment, often unconscious or but semi-conscious, combined with other causes, step by step emancipated the serf from

bodily subjection to his over-lord; he was then protected in his freedom by statute; but when he became a factory hand the conditions were new and there were no laws which prevented the use of unguarded machinery in the factories, or the abuses of child labor, forced upon the conscientious employers by the unscrupulous until legislation put them on an equality. When new evils appear there is always at first difficulty in finding the proper remedy; and as the evils grow more complex, the remedies become increasingly difficult of application. There is no use whatever in seeking to apply a remedy blindly; yet this is just what has been done in reference to trusts.

Much of the legislation not only proposed but enacted against trusts is not one whit more intelligent than the mediæval bull against the comet, and has not been one particle more effective. Yet there can and must be courageous and effective remedial legislation.

To say that the present system, of haphazard license and lack of supervision and regulation, is the best possible, is absurd. The men who endeavor to prevent the remedying of real abuses, not only show callous disregard for the suffering of others, but also weaken those who are anxious to prevent the adoption of indiscriminate would-be remedies which would subvert our whole industrial fabric. The chicanery and the dishonest, even though not technically illegal, methods through which some great fortunes have been made, are scandals to our civilization. The man who by swindling or wrongdoing acquires great wealth for himself at the expense of his fellow, stands as low morally as any predatory mediæval nobleman and is a more dangerous member of society. Any law, and any method of construing the law which

will enable the community to punish him, either by taking away his wealth or by imprisonment, should be welcomed. Of course, such laws are even more needed in dealing with great corporations or trusts than with individuals. They are needed quite as much for the sake of honest corporations as for the sake of the public. The corporation that manages its affairs honestly has a right to demand protection against the dishonest corporation. We do not wish to put any burden on honest corporations. Neither do we wish to put an unnecessary burden of responsibility on enterprising men for acts which are immaterial; they should be relieved from such burdens, but held to a rigid financial accountability for acts that mislead the upright investor or stockholder, or defraud the public.

The first essential is knowledge of the facts, publicity. Much can be done at once by amendment of the corporation laws so as to provide for such publicity as will not work injustice as between business rivals.

The chief abuses alleged to arise from trusts are probably the following: Misrepresentation or concealment regarding material facts connected with the organization of an enterprise; the evils connected with unscrupulous promotion; overcapitalization; unfair competition, resulting in the crushing out of competitors who themselves do not act improperly; raising of prices above fair competitive rates; the wielding of increased power over the wage-earners. Of course none of these abuses may exist in a particular trust, but in many trusts, as well as in many corporations not ordinarily called trusts, one or more of them are evident. Some of these evils could be partially remedied by a modification of our corporation laws; here

we can safely go along the lines of the more conservative New England States, and probably not a little farther. Such laws will themselves provide the needed publicity, and the needed circumstantiality of statement. We should know authoritatively whether stock represents actual value of plants, or whether it represents brands or good will; or if not, what it does represent, if anything. It is desirable to know how much was actually bought, how much was issued free; and to whom; and, if possible, for what reason. In the first place, this would be invaluable in preventing harm being done as among the stockholders, for many of the grossest wrongs that are perpetrated are those of promoters and organizers at the expense of the general public who are invited to take shares in business organizations. In the next place, this would enable us to see just what the public have a right to expect in the way of service and taxation. There is no reason whatever for refusing to tax a corporation because by its own acts it has created a burden of charges under which it staggers. The extravagant man who builds a needlessly large house nevertheless pays taxes on the house; and the corporation which has to pay great sums of interest owing to juggling transactions in the issue of stocks and bonds has just as little right to consideration. But very great hardship may result to innocent purchasers; and publicity by lessening the possibility of this would also serve the purpose of the State.

Where a trust becomes a monopoly the State has an immediate right to interfere. Care should be taken not to stifle enterprise or disclose any facts of a business that are essentially private; but the State for the protection of the public should exercise the right to inspect, to ex-

amine thoroughly all the workings of great corporations just as is now done with banks; and wherever the interests of the public demand it, it should publish the results of its examination. Then, if there are inordinate profits, competition or public sentiment will give the public the benefit in lowered prices; and if not, the power of taxation remains. It is therefore evident that publicity is the one sure and adequate remedy which we can now invoke. There may be other remedies, but what these others are we can only find out by publicity, as the result of investigation. The first requisite is knowledge, full and complete.

LABOR

I call the attention of the Legislature to the reports of the State Board of Mediation and Arbitration, of the Commissioner of Labor Statistics and of the State Factory Inspector. During the past year very valuable labor measures have been enacted into laws, and they are well enforced. I am happy to say that in speaking of labor legislation I can talk mainly of performance—not of promise. Additional legislation will undoubtedly from time to time become necessary; but many vitally needed laws have already been put upon the statute books. As experience shows their defects, these will be remedied. A stringent eight-hour labor law has been enacted. This is working well as a whole.

In nothing do we need to exercise cooler judgment than in labor legislation. Such legislation is absolutely necessary, alike from the humanitarian and the industrial standpoints; and it is as much our duty to protect the weaker wageworkers from oppression as to protect help-

less investors from fraud. But we must beware above all things of that injudicious and ill-considered benevolence which usually in the long run defeats its own ends. To discourage industry and thrift ultimately amounts to putting a premium on poverty and shiftlessness. It is neither of benefit to the individual nor to society needlessly to handicap superior ability and energy, and to reduce their possessor to the level of work and gain suited for his less able and energetic rivals.

There have been a large number of strikes for increase of wages during the past year. The fact that these strikes were not against a reduction, but for an increase, is due to the prosperous condition of the country and State generally. The services of the present excellent Board of Mediation and Arbitration have been in almost constant demand, and they have been gratifyingly successful. The number of controversies amicably adjusted directly and indirectly through its influence, has been greater than that during any year since its creation. The work of mediation—that is, of settling the dispute before it has reached an acute stage—is even more important and successful than that of arbitration proper, after the strike is once on. This being so, it would be well to enact legislation which would compel parties to labor disputes to notify the Board of impending trouble, or of strikes and lockouts.

The experiment of publishing a quarterly bulletin by the Bureau of Labor Statistics has worked excellently and the bulletin should be continued and improved. I suggest that it would be well to define by statute the questions that may legally be asked of manufacturers by this Bureau. Abuses have occurred in connection with the

employment offices in the larger cities, which are now allowed to violate the law with impunity, the power of punishment lying with the local authorities. It would be well to require the keeper of any employment office to procure a license from the State, as in Minnesota and other States. This license should be granted on the payment of a substantial fee, and the business would thus be restricted to responsible parties and kept under the control of the State administration.

The measures suggested in my message of last year and carried into effect by legislation, increasing the number of factory inspectors, and requiring a license for all shops and rooms where garments are made for general employers, have already greatly increased the efficiency of the Factory Inspector's Department, and enlarged its service to the public. Too little time has elapsed since the sweatshop law went into effect, in September, to give a full report of its benefits. As illustrating its efficiency in interfering with sweatshops I may mention that so far under its provisions 4,942 licenses have been granted and 918 refused. These 918 cases represent the sweatshops which would now have been in operation save for this law and for the way it has been enforced.

I shall not ask for any increase of the number of salaried inspectors this year, but I recommend that the power be given to the Governor and to the Factory Inspector to name, whenever necessary, unsalaried inspectors to undertake special investigation or aid the Department at special times. Such assistance would increase the efficiency of the work of the Department without imposing added burdens upon the State.

I urge that the Legislature give particular attention to the need of reform in the laws governing the tenement

houses. The Tenement House Commission of 1894 declared that, in its opinion, the Tenement House Laws needed to be revised as often as once in five years, and I am confident that the improvements in building materials and construction of tenements, and the advance in sanitary legislation all demand further modification of existing laws. Probably the best course to follow would be to appoint a commission to present a revised code of Tenement House Laws.

Owing to defects in the drug clerks' bill presented last year, I was unable to sign it. I am, however, in hearty sympathy with the objects sought in the bill. I trust that a satisfactory bill may be presented this year, and shall be glad to give such a bill my approval.

The liability of employers to their employees is now recognized in the laws of most of the great industrial communities of the world. While employers ought not to be burdened to such an extent as to endanger ordinary business transactions, yet the State should, so far as possible, protect those employees engaged in dangerous occupations and should see that every reasonable provision is taken to guard their rights.

NATIONAL GUARD AND NAVAL MILITIA

I call attention to the report of the Adjutant-General on the National Guard and Naval Militia of the State. The new code has worked great improvement. In some matters of organization, notably in reference to the detail of line officers to serve for a time in staff positions, the organization of the National Guard of New York is ahead of the organization of the United States Army.

The Spanish war had resulted in great disorganization of the Guard and an immense amount of work had to be done to re-establish it upon an efficient basis. This has been done and the Guard has never been more efficient than at present. It is to be hoped that in a comparatively short time the National Government will be in a position to arm the Guard with the rifle used in the regular army.

During the past year the Guard has been called upon to furnish New York's quota of officers for service in the volunteer regiments of the army. All of the officers thus recommended were men who had served in the Spanish war. In making the recommendations the colonels of the fifteen volunteer regiments sent into the service by New York were directed to submit the nominations of the three best men in each of their regiments for the volunteer appointments, the recommendations being based upon youth, character, fitness, intelligence and demonstrated ability to command. In addition recommendations were sought from other officers who had special knowledge of the personnel of the New York volunteers, and the records of the various candidates were critically examined. The report sent to the Secretary of War was based solely upon the records of the officers, no attention being paid any other considerations whatsoever save those of military fitness. Most of those thus recommended were appointed by the President. The rank and file of the Guard had within the year sent hundreds of men into the regular and volunteer army gathered for service in the Philippines.

During the summer of 1899 the first steps have been taken to give the State troops practical work in the field.

Regiments were sent to the State Camp at Peekskill and from that point were given marches in the neighborhood of several days' duration with field equipment only. The State Camp at Peekskill when originally constructed represented a great advance, for work in the camp was much better than work in the armory. It no longer stands as it did, for it is of special advantage only to armory trained troops; but it can still be made of much use. Probably it could best be used for the annual instruction of all of the officers and non-commissioned officers; but it might be a hardship to impose such extra duty on men most of whom are actually engaged in earning their own living. At any rate, the regiments should receive practical instructions by actual marching, cooking, camping, sanitation, outpost duties and field exercises over rough country. Soldiers must be able to take care of themselves under the conditions of a campaign, and this they cannot learn unless they cook their own food, pitch their own tents, and perform for themselves all the other duties incident to their profession. The mortality in the Spanish war shows how infinitely less dangerous to the lives of the soldiers are the bullets of the enemy than diseases caused by bad sanitation and failure to understand how to cook, and live in the open.

Furthermore, it is very much to be wished that means could be taken to provide the most ample facilities for rifle practice. The United States must depend upon its citizen soldiery in the event of a great war. If the men already know how to march, to take cover, to live in the open and to shoot, and always provided that they understand the absolutely vital importance of discipline and obedience to orders, then the technical training can be

mastered with comparative ease by volunteers as intelligent, as brave and as self-reliant as those who make up American armies. It would be a good thing if there were a rifle range in every village of this State as there is in Switzerland. Moreover, it should be remembered that target practice proper is but the alphabet of the soldier's marksmanship. He should also practice assiduously under conditions as nearly as possible like those of actual warfare; "terrainschiessen," as it is called in the German army, is indispensable to effectiveness. In any event, every company of the National Guard should receive all possible encouragement in rifle practice. In a battle the only bullets that count are those that hit.

The Naval Militia make a particularly valuable branch of the service. They deserve the highest praise for the way they do their difficult work. The drill that the Naval Militia receives is most practical in character. It is greatly to be desired that the Second Naval Battalion should have an armory.

Every opportunity should be given to, and should be sought by, the officers and men of the National Guard and Naval Militia, seriously to study and master both the theory and practice of their temporary profession. One of the officers of the Guard is going abroad with the special purpose of studying the relation of the regulars, volunteers and militia in England; special studies of this kind have great value. In addition we should know the methods of administration and of field practice which mark the most efficient modern armies.

FISHERIES, FOREST AND GAME COMMISSION

Under this Commission great progress has been made through the fish hatcheries in the propagation of valu-

able food and sporting fish. The laws for the protection of deer have resulted in their increase. Nevertheless, as railroads tend to encroach on the wilderness, the temptation to illegal hunting becomes greater, and the danger from forest fires increases. There is need of great improvement both in our laws and in their administration. The game wardens have been too few in number. More should be provided. None save fit men must be appointed; and their retention in office must depend purely upon the zeal, ability and efficiency with which they perform their duties. The game wardens in the forests must be woodsmen; and they should have no outside business. In short, there should be a thorough reorganization of the work of the commission. A careful study of the resources and condition of the forests on State land must be made. It is certainly not too much to expect that the State forests should be managed as efficiently as the forests on private lands in the same neighborhoods, and the measure of difference in efficiency of management must be the measure of condemnation or praise of the way the public forests have been managed.

The subject of forest preservation is of the utmost importance to the State. The Adirondacks and Catskills should be great parks kept in perpetuity for the benefit and enjoyment of our people. Much has been done of late years towards their preservation, but very much remains to be done. The provisions of law in reference to sawmills and wood pulp mills are defective and should be changed so as to prohibit dumping dye-stuff, sawdust or tan bark in any amount whatsoever into the streams. Reservoirs should be made; but not where they will tend to destroy large sections of the forest, and only after a

careful and scientific study of the water resources of the region. The people of the forest regions are themselves growing more and more to realize the necessity of preserving both the trees and the game. A live deer in the woods will attract to the neighborhood ten times the money that could be obtained for the deer's dead carcass. Timber theft on the State lands is, of course, a grave offense against the whole public.

Hardy outdoor sports, like hunting, are in themselves of no small value to the national character and should be encouraged in every way. Men who go into the wilderness, indeed men who take part in any field sports with horse or rifle, receive a benefit which can hardly be given by even the most vigorous athletic games.

There is a further, and more immediate and practical, end in view. A primeval forest is a great sponge which absorbs and distills the rainwater; and when it is destroyed the result is apt to be an alternation of flood and drought. Forest fires ultimately make the land a desert, and are a detriment to all that portion of the State tributary to the streams through the woods where they occur. Every effort should be made to minimize their destructive influence. We need to have our system of forestry gradually developed and conducted along scientific principles. When this has been done it will be possible to allow marketable lumber to be cut everywhere without damage to the forests — indeed, with positive advantage to them; but until lumbering is thus conducted, on strictly scientific principles no less than upon principles of the strictest honesty towards the State, we cannot afford to suffer it at all in the State forests. Unrestrained greed means the ruin of the great woods and the drying up of the sources of the rivers.

Ultimately the administration of the State lands must be so centralized as to enable us definitely to place responsibility in respect to everything concerning them, and to demand the highest degree of trained intelligence in their use.

The State should not permit within its limits factories to make bird skins or bird feathers into articles of ornament or wearing apparel. Ordinary birds, and especially song birds, should be rigidly protected. Game birds should never be shot to a greater extent than will offset the natural rate of increase. All spring shooting should be prohibited and efforts made by correspondence with the neighboring States to secure its prohibition within their borders. Care should be taken not to encourage the use of cold storage or other market systems which are a benefit to no one but the wealthy epicure who can afford to pay a heavy price for luxuries. These systems tend to the destruction of the game; which would bear most severely upon the very men whose rapacity has been appealed to in order to secure its extermination.

The open season for the different species of game and fish should be made uniform throughout the entire State, save that it should be shorter on Long Island for certain species which are not plentiful, and which are pursued by a greater number of people than in other game portions of the State.

BUILDING AND LOAN ASSOCIATIONS

Ample occasion exists for some modification of the statutes relating to the corporations popularly known as building and loan associations. A law which authorizes the formation of associations vested with extraordinary

powers and possessing special exemptions, because they are designed to encourage thrift and to enable workingmen to provide homes for their families, urgently needs revision when under it there occur such instances of extravagance and mismanagement, if not of actual fraud, as have recently been brought to the public attention. If there can be degrees in fidelity, the highest should prevail in the discharge of those trusts in which the interests at stake are those of the poorer and more helpless members of society. Reckless real estate speculations, arbitrary amendment of by-laws without the consent of shareholders, whereby the contracts between associations and their members are changed, and excessive expense accounts for salaries, luxurious offices, etc., not to charge practices which in some cases can be reconciled with no purpose except dishonesty, are among the abuses disclosed during the year by the work of the Banking Department. With this state of facts established, argument is not required to place upon the Legislature the imperative obligation to revise the law governing these associations so as to make commission of wrongs by their management less easy, and to lodge with the Superintendent of Banks adequate power to deal promptly and effectively with associations whose directors may attempt to transcend the bounds of safety and honesty.

An evil of growing proportions is the incorporation of stock companies with titles suggestive of powers to which their certificates make no claim, and which they cannot possess under the general corporation law. Allied to it is the assumption of names similarly objectionable by partnerships or individuals operating as private bankers, and also the establishment of offices in this State by for-

eign corporations whose names indicate them to be moneyed corporations. The employment of such titles is certainly misleading, and it is readily conceivable that it might prove mischievous. It is plain that it should not be permitted to any person or firm or to any company having but an insignificant capital and organized to do merely an agency business, or to any foreign corporation maintaining an office in New York for the transaction of non-prohibited business, to have a name which conveys the idea that it is a banking institution; and the general corporation act should be amended to inhibit it. The matter is discussed more fully in the annual report of the Superintendent of Banks, to which I ask the attention of the Legislature, with such action as will prevent a continuation of the evil.

HORTON BOXING LAW.

I call the attention of the Legislature to the so-called Horton Boxing Law now on the statute books, and recommend its repeal. If this law merely fulfilled the expectations of its original advocates, and if it were executed as it was executed during the first year it was enacted, there would be no need of this recommendation. Rough, vigorous pastimes are excellent things for the nation, for they promote manliness, being good in their effects not merely upon the body, but upon the character, which is far more important than the body. It is an admirable thing for any boy or young man whose work is of a sedentary character to take part in vigorous play, so long as it is not carried to excess, or allowed to interfere with his work. Every exercise that tends to develop bodily vigor, daring, endurance, resolution and self-command

should be encouraged. Boxing is a fine sport; but this affords no justification of prize fighting, any more than the fact that a cross country run or a ride on a wheel is healthy justifies such a demoralizing exhibition as a six-days race. When any sport is carried on primarily for money — that is, as a business — it is in danger of losing much that is valuable, and of acquiring some exceedingly undesirable characteristics. In the case of prize fighting, not only do all the objections which apply to the abuse of other professional sports apply in aggravated form, but in addition the exhibition has a very demoralizing and brutalizing effect. There is no need to argue these points. They are expressly admitted in the Horton Law itself. Moreover the evils are greatly aggravated by the fact that the fight is for a money prize, and is the occasion for unlimited gambling and betting. As the law is construed by the police department of New York at present, it permits prize fights pure and simple. If as is alleged the police are technically justified in so construing the law, it only renders it the more necessary that the law should be repealed. However proper it may have been in its intent and as originally construed and administered, the gross abuses in its present administration, make its existence on the statute books of the Empire State an offense against decency.

Athletic sports are excellent when treated as what they should be, that is as healthy pastimes; they become harmful if indulged in to excess, and if their importance in relation to the serious work of life is misestimated; and still more harmful when twisted into adjuncts of brutality or gambling.

AMENDMENT TO THE VAGRANCY LAW

Crime against a woman is peculiarly abhorrent, not only because she is weaker, but because she has no direct voice in the government. There should be no sentimentality about excusing a female criminal who is as guilty as a male criminal; but an even severer punishment should be meted out to those who commit crimes of brutal violence against women and children than to those who commit them against men. In the same way, it is greatly to be desired that our laws should be changed so as to provide for the punishment of men who profit by the commission of immoral acts by women. At present the wretched women are punished and the men who make their living by their infamy may go free. Such a condition of affairs is intolerable in the eyes of every right thinking person. This kind of immoral conduct is punished under the Vagrancy Law, which should be amended as it has recently been amended in England, so as to do away with such unjust discrimination. In connection with this matter I call your attention to the desirability of completing the work of the New Bedford Reformatory which is specially designed for dealing with girls and women who have fallen, but whom there is a chance to redeem.

THE COMPLETION OF THE REVISION OF THE STATUTES BY
THE LEGISLATURE

A commission to revise the statutes with a view of condensing, combining and harmonizing the subjects of general legislation was created in 1889. Several general laws which were originally proposed have been rendered unnecessary by the reason of the changes of the Constitution

of 1894, and several additional subjects of general legislation have been suggested. The revision of the Code of Civil Procedure was not originally contemplated, but has now become a part of the work of the Commission. A large number of the bills advocated by the Commission have become laws and some have been submitted but have not passed. During the winter it is intended that bills will be presented amending the general laws by incorporating them into various general statutes passed since those laws were enacted for the double purpose of bringing the plan of revision down to date and codifying under proper heads various independent statutes which can fairly be incorporated in an existing general law. It has been the custom heretofore to refer these bills either to the committee on judiciary or the committee on codes, but it is doubtful whether, if the numerous other bills which come from individual members are referred to these committees, such careful attention can be given to the bills of the Statutory Revision Commission as their importance warrants.

I beg leave to respectfully suggest the appointment of a special committee in each House, or a special joint committee, to take charge of these revision bills. Due attention to the various measures which the Statutory Revision Commission has prepared, will greatly facilitate the work of closing up the Commission, which ought to be done during the present year. I recommend that steps be taken to close the Commission during the year.

DEPARTMENT OF THE COMPTROLLER

The office of the Comptroller shows a balance on hand in the treasury on the first day of October, 1898, of

\$3,973,804.45. The receipts from all sources during the fiscal year ending September 30, 1899, were \$25,837,136.19, making a total receipt, with the balance of last year, of \$29,810,941.37. The payments for all purposes during the fiscal year were \$25,306,126.63, leaving a balance in the treasury of \$4,505,814.74. The tax rate for the fiscal year ending October 1, 1899, was 2.49 mills. The present valuation of the State is \$5,076,396,824. The amount received for corporation and organization taxes was \$2,741,318.05. The amount in 1898 was \$2,497,247.05, showing an increase during the fiscal year of \$244,071. The amount received for tax on inheritance during the fiscal year was \$2,194,612.24, being an increase over the last fiscal year of \$197,402. The amount received from the Excise Department was \$4,231,278.55, an increase of \$15,417.63 over the last preceding year.

Attention is called to the increasing payments from transfer tax receipts by reason of special legislative enactments providing for the pay of assistants to surrogates and district attorneys, in addition to the fees allowed by the act itself to county treasurers and the comptroller of the city of New York for receiving this tax and remitting it to the State Treasury. The counties of Erie, Kings, Monroe, New York, Oneida, Onondaga, Queens, Suffolk, Ulster and Westchester have now these extra assistants at an aggregate cost for salaries and expenses each year of \$36,940 payable from this tax. While admitting that this law has increased the labors of surrogates somewhat, it has not increased them to the extent of generally requiring assistants. I do not believe that any special provision should be made for additional help

except in counties which have paid to the State for the past five years an average transfer tax of at least \$50,000.

I recommend the repeal of all the acts giving district attorneys transfer tax assistants, for the reason that the assistants do little or nothing to earn the compensation therein allowed, and that their employment is therefore a useless expenditure of public money.

The Transfer Tax Act provides that county treasurers and the comptroller of the city of New York shall receive a fee of 5 per cent. on the first \$50,000 collected; 3 per cent. on the second \$50,000, and 1 per cent. upon all additional sums each year for receiving this tax and remitting it quarterly to the State Treasury. Their only duty, in addition to this, consists in issuing duplicate receipts to the executors for the payment of this tax, and making a quarterly report to the State Comptroller, and the payment of appraisers' fees and other legal disbursements. All the county treasurers retain this fee or commission for their own use and benefit, except in the county of Monroe, where it is turned into the county treasury. As a rule these officers take little or no interest in the enforcement of the law, and do practically nothing to warrant their receiving this large special compensation. In Erie county the fees formerly were paid into the county treasury, but the statute was amended recently restoring them to the treasurer. During the last fiscal year the amount of fees thus paid to county treasurers and the comptroller of New York city aggregated \$67,425.06. Of this amount the comptroller of New York city received \$15,975.83.

I believe that these fees should either go to the county, or that the aggregate amount allowed any official should

be limited to a reasonable sum. At least \$100,000 should be saved to the State annually by properly curtailing the expenditures payable from this tax.

SECRETARY OF STATE

Originally and in the early history of the State, corporations were created by special acts of the Legislature. They were limited as to time, and as terms of existence would expire, legislative action was necessary to continue their existence.

General statutes were afterwards enacted providing for the formation of corporations without resort to the Legislature.

Notwithstanding these general laws, the Legislature has continued to create corporations by special act, granting powers not given by the general laws.

Section 6 of the General Corporation Law prohibits the filing and recording in any office for the purpose of effecting incorporations of a certificate of incorporation of a proposed corporation having the same name as an existing domestic corporation, or a name so nearly resembling it as to be calculated to deceive.

By section 2411, Code of Civil Procedure, a petition to a court for the change of the corporate name of a domestic corporation must have annexed thereto a certificate of the Secretary of State that the name proposed is not the name of any other domestic corporation or a name which the Secretary of State deems so nearly resembling it as to be calculated to deceive.

To enable the Secretary of State to comply with the above provisions, the names of all domestic corporations should be on file in his office, alphabetically arranged,

just as the names of all corporations are, which are incorporated under the general statutes.

In all cases where a corporation is created by special act a clause should be contained in the act requiring the filing and recording in the Secretary of State's office of a certified copy of such special act. The effect of this would be to bring the names of all domestic corporations, except banking and insurance corporations, upon our general index.

The Secretary of State has paid to the State Treasurer during the past fiscal year, for the benefit of the State, \$557,460.25, and the number of new corporations, companies increasing their capital stock and amount of increased capital have shown a large gain over preceding years.

ATTORNEY-GENERAL

I call your particular attention to the report of the Attorney-General which will be handed you in a few days and the excellent showing it makes for that office. I cordially concur in what he will say as to the advisability of having all laws take effect at some definite time, say the first of September, so as to give opportunity to every one to know that they are on the statute books. Of course exceptions will be made in cases where emergencies exist.

SUPERINTENDENT OF PRISONS

The Superintendent calls attention to the excellent working of the principle of indeterminate sentence for maximum and minimum limits fixed by the court, the prison parole board being allowed to parole under supervision any prisoner at any time after the expiration of

the minimum term. He recommends that all prisoners sentenced for a first offense for felony, save of course murder and arson, be sentenced to indeterminate terms. There should be a separate prison for the confinement and execution of condemned prisoners.

STATE COMMISSION OF PRISONS

Under the present laws none of the products of our own prisons are put upon the open market to compete with the products of free labor; but the products of convicts of other States and countries are brought into this State and add in competition with the products of our free labor. As under the decisions of the courts the State is powerless to prevent this, it is to be wished that there could be national legislation on the subject. The present system is furnishing reasonable employment to our own convicts, and the heads of State institutions must see that there is full compliance with the laws requiring them to purchase from the prisons goods used by their departments and made in the prisons.

A very gratifying feature of the present prison laws of this State is the rapid diminution in the population of the prisons, the penitentiary population having shrunk from 4,600 in 1895 to but little over 2,200 in 1899.

STATE ENGINEER AND SURVEYOR

The work of the State Engineer and Surveyor has been executed with signal ability and fidelity during the past year.

There has been considerable duplication of work by the National and State Governments in surveys. It certainly

does not seem worth while that the State should have two separate departments doing surveying work. The Legislature last year declined to appropriate anything further for the State Land Survey, but did not abolish it. This creates a most undesirable state of affairs. It seems to me obvious that one department should do all the work, and I therefore recommend that the State Land Survey be put under the State Engineer and Surveyor, either as a separate bureau or otherwise, and that the work be done in his office, in which all the records of the State Land Survey should be placed.

PUBLIC INSTRUCTION

Under the Regents the institutions for higher education have continued to progress as in the past.

The Superintendent of Public Instruction reports the public schools of the State in a prosperous condition. They have been liberally maintained, and results have been satisfactory. Public interest in education is steadily increasing. The total expenditures for public schools during the year, directly or indirectly, by the Department of Public Instruction, exceeded \$29,000,000. What the State has done and is still doing along many lines to encourage professional training of teachers is bearing good fruit in the increasing number of professionally trained teachers in our schools, and in the development of a higher professional spirit. The Superintendent will recommend the establishment of a pedagogical department in Cornell University, and will call attention to certain equities which exist in the relations between the State and this institution in connection with State schol-

arships. A reasonable appropriation will be asked to carry the proposed plan into execution.

It has for a long time been the well nigh unanimous opinion of all those conversant with the history and practical working of the educational system of this State that the laws in reference to the official oversight and superintendence of education by the State Government ought to be revised and unified for the sake of greater general efficiency, economy and entire harmony wherever there may be confusion and friction resulting from the needless overlapping of jurisdictions. That so vast a development as that which has come about in the work of instructing the children of this State should have been possible under the existing system is of itself a testimony to the wise and substantial way in which our predecessors laid the foundations of our educational organization.

The University of the State of New York, with its Board of Regents, is an institution peculiar to this commonwealth and one now venerable with its one hundred and sixteen years of history. Its exercise of authority over higher education has been of very great public service, and its methods and standards have exercised a wide influence for good upon those of other States. These facts have led to the adoption by the people of an amendment to the Constitution of the State whereby the University itself and its organization under a board of not less than nine Regents, has been provided and safeguarded in the organic law.

The Department of Public Instruction on the other hand, concerned chiefly with the supervision of all the free common schools of the State supported by public taxation, has grown to a vast importance; for the number

of children of school age in the State has largely increased, and nine-tenths of them attend no other institution than the public school. The work done in both departments has been, in the main, excellent and needful to be done; they are amply worthy of the confidence and continued support of the people. But, that their work could be done better if the two systems were unified is a proposition hardly open to question. The problem has been not whether unification were desirable, but by what means this end was to be attained.

From the point of view of the public interests, it is neither desirable nor practicable merely to extend the jurisdiction of either department over the other. The University Convocation at its annual meeting in July, 1899, requested the Governor to appoint a commission for the purpose of recommending a practicable plan of unification, and in accordance with this suggestion the following commission was appointed: Frederick W. Holls, Daniel H. McMillan, Judge Joseph T. Daly, William Kernan, Robt. F. Wilkinson, and the secretary of the Board of Regents and the Assistant Superintendent of Public Instruction. All were men of the highest standing, of trained capacity, and specially interested in the whole subject. I cannot too heartily thank them for their invaluable and wholly disinterested labor for the public welfare.

This commission, after careful consideration, has arrived at suggestions embodied in a report suggesting statutory changes which, if adopted by the Legislature, will give effect to the system which they recommend. What they propose is the creation of a Department of Education, including both the University and the Department of Public Instruction, of which a single officer, known as the

Chancellor of the University, shall be the responsible executive and administrative head. The University is, of course, continued, and has its oversight extended to cover the entire field of education, so that its real authority and opportunity for public service will be much increased.

The plan proposed is simple, effective and wholly free from political or partisan considerations. It deserves the cordial support of all friends of public education, and this means of every patriotic citizen of the State.

It is impossible to exaggerate the importance of the interests involved or the importance of considering them solely from the point of view of the general welfare of the State.

DEPARTMENT OF EXCISE

The Excise Department has apparently been most carefully and judicially managed and the work of that department commends itself to the Legislature.

The net balance for the fiscal year in this department is \$12,582,248.72, of which \$4,231,278.55 goes to the State, the balance being distributed among the cities and towns of the State. The expense of this department during the fiscal year was \$274,862.10, and at the end of the fiscal year there was a balance on hand over and above expense of \$91,723.92, showing that the most careful expenditure in the department has been the rule. There has been a decrease of between five and six thousand licensed places in the State, and each succeeding year shows a slight decrease in the number in force at the end of the fiscal year. The so-called slot machine gambling nuisance has greatly decreased, and has been driven from places where liquor is sold.

STATE COMMISSION IN LUNACY

In this department progressive improvement shows that the State Care system was wisely founded and must remain the permanent policy of the State. The care of the insane has bettered and the cost has lessened. The accommodations have been increased and improved and the annual increment of permanent cases, the ultimate cost to the State of each of which is computed at \$5,000, has been diminished. While the reduction of cost of maintenance the past year from the per capita of \$185.20 in 1898 to \$178.42, in the face of a general advance in prices, and contrasted with \$216 before the State Care Act, is satisfactory, it is of far more importance that the annual increase of patients in hospitals is steadily decreasing; in 1899 it was 529, in 1898 it was 634, in 1897 it was 733. These figures allow but one conclusion — better care of the insane. That conclusion is supported by the fact that 1,009 patients have been discharged fully recovered, and 921 others have sufficiently improved to allow their return to their homes.

STATE CHARITABLE INSTITUTIONS

Great interests are involved in the administration of the State charitable institutions. During the past year a long stride forward has been taken in elevating the standard of supervision on the part of boards of managers. Wherever possible these boards of managers are now selected without reference to local demands or preferences and without reference to their politics. While there should be one or two representatives of the locality, the bulk should be men and women coming from other parts

of the State, who realize that the institution is of State and not merely local consequence.

I call your attention to the desirability of repealing chapter 374 of the Laws of 1896, which permits courts to send female felons of mature age to "houses of refuge" for a period of less than one year. This is contrary to the purpose with which these institutions were founded, and to chapter 632 of the Laws of 1899, which provides for a sentence of three years, with power of prior discharge by the board of managers. Houses of refuge are not proper places for felons of mature age, and moreover, the managers of these houses should, like the trustees of the Elmira Reformatory, be given the privilege of transferring to the prison authorities, under proper conditions, inmates who are found to derive no benefit from the discipline employed.

COMMISSIONERS OF THE LAND OFFICE

I call your attention to the desirability of allowing the Commissioners of the Land Office to grant leases with power of renewal for riparian lands. At present it is more than questionable whether such leases are valid, and unless the leases can be issued in this form, they are often useless. Where improvements of great value are made it seems probable that the land should be granted in fee; but where improvements are not made the State should certainly retain the fee.

CIVIL SERVICE COMMISSION

A very great advance was made last year by the action of the Legislature in putting upon the books the present bill to secure recognition of merit in appointments to the

civil service. Under this law the great bulk of the classified offices are taken out of the domain of politics. There is need of an increased appropriation for the Civil Service Commission. Their salaries should at least be made equal to those of other commissioners.

The civil service rules framed under the provisions of chapter 370, Laws of 1899, were promulgated on June 8th last. While the law and rules have been in operation for a period too brief to demonstrate their benefits to their fullest extent or to detect their defects, enough has been shown to prove their efficiency in carrying out the constitutional provisions. Examinations for all positions subject to them have been held in at least thirty cities so as to accommodate applicants in every part of the State. The increased attendance at these examinations indicates an appreciation of the relief from the double examinations under the previous law, which were costly and onerous to all, without any advantage to the public interests. The provisions of law requiring pay-rolls to be certified by the State or municipal commissions respectively have worked well, both in securing strict compliance with the law, and in obtaining accurate rosters of those in service. The same may be said of the larger powers of supervision of the work of municipal commissions given to the State Commission, securing uniformity in methods and procedure and the application of the merit system in all the cities of the State, a result never before reached. The State Commission should have larger means at its disposal for frequent inspection of the city service and concurrent advice and instruction to such inexperienced officials as may need it.

RAILROAD COMMISSION

Important progress has been made in the elimination of grade crossings, the commission exercising its powers with tact and judgment. I recommend that the Legislature provide for the continuance of this work. Of recent years the Legislature has given the board proper power, and in consequence it has been enabled to do excellent work.

HEALTH OFFICER AND QUARANTINE

The Health Officer of the port of New York and the Quarantine Commissioners find their work sadly handicapped for lack of funds. This branch of public service has in the past few years, by reason of the improved methods of sanitation, been of the greatest public benefit; but sufficient funds have not heretofore been placed at their disposal to acquire the best results. The port of New York is one which cannot be too carefully guarded, and the very scientific methods now used by those who have charge of this important branch of the State government require additional and increased appropriations. I trust this matter will receive your early and careful attention.

SELF-SUPPORTING OFFICES

The offices of Secretary of State, Railroad Commission, Banking and Insurance Departments are all self-supporting — more than paying their own expenses.

DEPARTMENT OF AGRICULTURE

The work of this department has steadily increased until it is now double what it was six years ago, while there has been but little increase in the appropriation. To

some extent the work of this department is duplicated or clashes with that of the State Board of Health. The Assembly Committee appointed to consider the subject of tuberculosis in cattle will deal with this matter, at least in part, in their report to the Legislature.

I call your attention to the special necessity of taking all possible steps to prevent the adulteration of food.

During the year eighteen hundred and ninety-nine the property of the State Agricultural Society at Syracuse, where the annual State fair is held, was transferred to the State, and I recommend that the State now take under its own control the management of the State Fair.

The excellent educational work done by the Farmers' Institute deserves your cordial support; it has had a real and marked effect in bettering the condition of the farming communities where it has been most developed.

STATE ARCHITECT

Nowhere has the increased efficiency in the State service been more marked than in the office of the State Architect. This office has carried on the work of preparing plans and specifications for the various new buildings and repairs and alterations to existing buildings for which appropriations have been made by the Legislature. With a few unimportant exceptions all this work is now under contract notwithstanding the great increase in price of building materials during the current year and since the appropriations were made. It is recommended that the State Architect be given an additional appropriation to increase the engineering force of his office so as to enable him to ascertain if it be practicable to secure greater economy in various directions, such as in the mechanical

methods of using coal in State institutions, to inquire into the general subject of water supply and sewerage of the various State institutions, and to formulate practical suggestions for the amelioration of existing defects and to pay the salaries of building inspectors now paid out of the appropriations for buildings.

NEW YORK CITY CHARTER

I recommend that the Governor be empowered to appoint a commission to deal with the question of remodeling the New York Charter in order to remedy the defects made evident by its workings during the last two years.

POLITICAL ASSESSMENTS AND THE JUDICIARY

I further recommend that legislation be passed at once prohibiting the payment by any candidate for judicial office, directly or indirectly, of assessments or contributions to political parties for campaign expenses.

GOOD ROADS

The movement to better the roads of the State should not be allowed to lag; it should be so directed as to be in the especial interest of the tiller of the soil.

PUBLIC PRINTING

It may well be considered by you whether by the passage of an act establishing a State printing bureau, equipped with every modern device, the cost to the State of its printing might not be reduced. This item has become a large one in the State expenditure, and a trial of State ownership, if found to be economical, I would advise.

THE PALISADES

The State should sedulously preserve for its people the natural beauties within its limits. Great good has been done by the Niagara Falls Reservation, and its interests should be advanced in every way. I call the attention of the Legislature to the report of the Palisades Commission, which has my hearty approval. The Palisades should be preserved. They form one of the most striking and beautiful features of nature in the entire country, and their marring and ruin should be a source not merely of regret, but of shame, to our people. New Jersey is in reality less interested in their preservation than we are, although they are in her territory, for their beauty can best be observed from ours.

There are two miles of the Palisades in the State of New York and ten in the State of New Jersey. No further riparian rights along their base should be granted; and I suggest that a commission to represent the State of New York be appointed and that the Governor be empowered to request the State of New Jersey to appoint a similar commission to serve with ours and endeavor to provide for joint action by the two States to secure the permanence of this splendid natural monument.

PAN-AMERICAN EXPOSITION

I particularly desire to call the attention of the Legislature to the Pan-American Exposition. This exposition will be a source of the utmost pride to the whole State, and all our citizens should feel an active concern in making it a greater success than anything of its kind ever held on this continent—second only to the great national expositions.

My attention has been called to the desirability of having at this Exposition a Department of Social Economy. Interesting and important as it is to exhibit the natural resources of the Americas and the products of their industries, it is no less important to present the life of the people themselves and to show their social institutions.

The industrial and social revolution, consequent upon the introduction of steam and electricity, has produced a new civilization, with many new problems yet unsolved, and new conditions to which we have only imperfectly adjusted ourselves. By providing for a Department of Social Economy at the Pan-American Exposition, much light may be thrown on these problems, and not a little may be done for the amelioration of social and industrial conditions.

The scope of this department should be broad enough to include, for the several countries and peoples, a comprehensive presentation of their industrial, agricultural, commercial, economic, social and philanthropic conditions.

These subjects would be graphically represented by maps, charts and photographs, which would constitute an important and attractive exhibit. Such a presentation of conditions in Cuba, Porto Rico, Hawaii and the Philippines would be of special interest. These subjects might be further illustrated by a series of Congresses, in which experts would discuss topics of popular interest and of practical value.

The beginning of a new century would seem to be a peculiarly fitting time to gather up the results of investigation and experience in the preceding century by which to help the peoples of North and South America up to a higher plane, physical, mental and moral.

I am heartily in favor of the creation of such a department of the Exposition, and recommend that a sufficient appropriation be made by the Legislature to establish and successfully conduct it.

I commend the Exposition to your special attention, and hope you will aid it in every way.

OVER-LEGISLATION

Bills are continually passed providing for extraordinary repairs on the canals, for the erection of bridges and the like. It seems to me that there should be a blanket appropriation for all these repairs, and that the allotment of the money for the different places should be left to the discretion of the Superintendent of Public Works. I believe that this will result in a considerable saving to the State.

I again call the attention of the Legislature to the undesirability of cumbering our statute books with a mass of needless legislation. Of course, any legislation that is slipped through so as to evade public notice is noxious; but aside from this the mere fact of having on the statute books a large number of laws which, though not harmful, are of no particular benefit, is also undesirable. It is greatly to be desired that some plan for limiting private legislation should be adopted; a bill with this purpose was introduced last year.

I also again call the attention of the Legislature to the need of economy. There are many objects excellent in themselves upon which the State could with advantage spend money, were it not for the steady tendency to increase expense beyond the limit that can be afforded by the taxpayers.

THEODORE ROOSEVELT

DESIGNATION OF JUSTICE HIRSCHBERG TO
THE APPELLATE DIVISION

STATE OF NEW YORK

Executive Chamber

It appearing to my satisfaction that the public interest requires it;

THEREFORE In accordance with section two of article VI of the Constitution the

Honorable MICHAEL H. HIRSCHBERG

of the city of Newburgh who is a Justice of the Supreme Court of the Second Judicial District is hereby designated as Associate Justice of the Appellate Division of the Supreme Court in and for the Second Judicial Department for the term of five years in the place of Edgar M. Cullen who has been designated an Associate Judge of the Court of Appeals.

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany
[L s] this fourth day of January in the year of our
Lord nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

DESIGNATION OF JUSTICE LAUGHLIN TO THE
APPELLATE DIVISION

STATE OF NEW YORK

Executive Chamber

It appearing to my satisfaction that the public interest requires it;

THEREFORE In accordance with section 2 of article VI of the Constitution the

Honorable FRANK C. LAUGHLIN

of the city of Buffalo who is a Justice of the Supreme Court of the Eighth Judicial District is hereby designated as Associate Justice of the Appellate Division of the Supreme Court in and for the Fourth Judicial Department for the term of five years in the place of William H. Adams who has been designated Presiding Justice of such department.

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L S] fourth day of January in the year of our Lord
nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

REVOCATION OF JUSTICE LAUGHLIN'S
DESIGNATION

STATE OF NEW YORK

Executive Chamber

WHEREAS the Honorable FRANK C. LAUGHLIN, a Justice of the Supreme Court of the Eighth Judicial District having been heretofore designated to sit as an Associate Justice of the Appellate Division of the Supreme Court in and for the Fourth Judicial Department and he having filed his written request that such designation be revoked;

NOW THEREFORE In accordance with the statute in such case made and provided the designation heretofore made of date January 4 1900 of the Honorable FRANK C. LAUGHLIN to sit as Associate Justice of the Appellate Division of the Supreme Court in and for the Fourth Judicial Department is hereby and at his own request revoked.

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L s] sixth day of January in the year of our Lord
nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

REVOCATION OF JUSTICE LANDON'S
DESIGNATION

STATE OF NEW YORK

Executive Chamber

WHEREAS the Honorable JUDSON S. LANDON, a Justice of the Supreme Court of the Fourth Judicial District having been heretofore designated to sit as an Associate Justice of the Appellate Division of the Supreme Court in and for the Third Judicial Department and he having filed his written request that such designation be revoked;

NOW THEREFORE In accordance with the statute in such case made and provided the designation heretofore made of the Honorable JUDSON S. LANDON to sit as Associate Justice of the Appellate Division of the Supreme Court in and for the Third Judicial Department is hereby and at his own request revoked.

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L S] sixth day of January in the year of our Lord
nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

DESIGNATION OF JUSTICE KELLOGG TO THE
APPELLATE DIVISION

STATE OF NEW YORK

Executive Chamber

It appearing to my satisfaction that the public interest requires it;

THEREFORE In accordance with section 2 of article VI of the Constitution the

Honorable S. ALONZO KELLOGG

of the village of Plattsburg who is a Justice of the Supreme Court of the Fourth Judicial District is hereby designated as Associate Justice of the Appellate Division of the Supreme Court in and for the Third Judicial Department for the term of five years in the place of Judson S. Landon who has been designated as an Associate Judge of the Court of Appeals.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany this
[L s] eighth day of January in the year of our Lord nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

DESIGNATION OF JUSTICE WILLIAMS TO THE
APPELLATE DIVISION

STATE OF NEW YORK

Executive Chamber

It appearing to my satisfaction that the public interest requires it;

THEREFORE In accordance with section 2 of article VI of the Constitution the

Honorable PARDON C. WILLIAMS

of the city of Watertown who is a Justice of the Supreme Court of the Fifth Judicial District is hereby designated as Associate Justice of the Appellate Division of the Supreme Court in and for the Fourth Judicial Department for the term of five years from and after the fifteenth day of January 1900 in the place of Walter Lloyd Smith whose designation as such Associate Justice has been revoked at his own request.

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L S] ninth day of January in the year of our Lord
nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF ASSEMBLY BILL INT. NO. 107,
TO RATIFY NOMINATIONS FOR ASSEM-
BLYMAN, THIRTY-FIRST NEW YORK DIS-
TRICT

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

It appearing to my satisfaction that the public interest requires it;

THEREFORE In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill introductory number 107 entitled "An act to legalize, ratify and confirm nominations of candidates for Assembly to be voted for at a special election in the thirty-first Assembly District of the county of New York on the twenty-third day of January, 1900."

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L S] eleventh day of January in the year of our Lord
nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

DESIGNATION OF JUSTICE LAUGHLIN TO THE
APPELLATE DIVISION

STATE OF NEW YORK

Executive Chamber

It appearing to my satisfaction that the public interest requires it;

THEREFORE In accordance with section 2 of article VI of the Constitution the

Honorable FRANK C. LAUGHLIN

of the city of Buffalo who is a Justice of the Supreme Court of the Eighth Judicial District is hereby designated as Associate Justice of the Appellate Division of the Supreme Court in and for the Fourth Judicial Department for the term of five years from and after the fifteenth day of January 1900 in the place of William H. Adams who has been designated Presiding Justice of such Department.

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
s] twelfth day of January in the year of our Lord
nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

COMMISSION TO EXAMINE INTO THE SANITY
OF ANTONIO FERRARO, CONVICT

STATE OF NEW YORK

Executive Chamber

Charles L. Dana, M. D. of the city of New York and Samuel Ward, M. D. of the city of Albany are hereby appointed commissioners to make examination as to the sanity of Antonio Ferraro now confined in Sing Sing Prison under sentence of death, and to report thereon with their conclusions touching the same; such report to be made to me in writing.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany this
[L s] twenty-second day of January in the year of our Lord nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

*Secretary to the Governor*MESSAGE ACCOMPANYING REPORT OF THE
COMMISSION ON THE COMMERCE OF NEW
YORK

STATE OF NEW YORK

Executive Chamber,

Albany, January 25, 1900

TO THE LEGISLATURE:

I herewith transmit the report of the New York Commerce Commission which was appointed by my predecessor

son in pursuance of chapter 644 of the Laws of 1898. This report represents an immense amount of wholly disinterested labor, undertaken solely with a view of accomplishing something effectual to stop the decline in the commerce of New York. The thanks of the State are due the members of the Commission for the marked ability and untiring industry they have shown throughout their labors.

In the first place, I call your especial attention to what the Commission reports as to the main cause of the damage to New York commerce; that is, to the way in which the railroads, and especially the railroads of our own State, discriminate against her in the interest of competing ports. The Commission presents a summary of its conclusions and recommendations, and the first ten subdivisions of this summary relate to this railroad discrimination imposed by what is known as the differential agreement between the trunk line railroads to the American Atlantic seaports. The Commission shows that this discrimination is made so as to overcome the advantage which New York would have under natural conditions as the cheapest route to foreign markets for the products of the West, and comments with especial severity upon the New York railroads which have received benefits from the State and yet participate in the discrimination, to the serious injury of New York. It does not appear, however, that any legislative action is at present recommended; and the Commission simply through its report seeks to give widespread publicity to the facts, holding that the evil can be remedied by improving the canals, canal terminals, etc.

The Canal Committee of which General Greene is chairman (the report of which I am transmitting at the same time) was appointed solely to consider the canal problem.

The Commerce Commission was appointed to consider the whole problem of New York's loss of commerce, inquiring into all the causes, and seeking to find out all possible remedies. It speedily discovered however, that the question of the canal was really the central question around which hinged all others concerned with benefiting the commercial development of New York or arresting the decline of this development. This is a further proof, if any be needed, of the immense importance of the canal and of the extreme unwisdom of abandoning it as an outworn institution.

The Commission makes eight recommendations as to legislative action. As to seven of these there can be no question in my opinion. Proper terminal facilities should be immediately provided as the Commission outlines. The act regulating the fees and charges for elevators should be amended. The act limiting corporations designed to navigate the canals to a capital stock of fifty thousand dollars should be repealed. The canal piers should again be reserved exclusively for canal boats. New York City should be allowed to carry out its plan for the construction of piers, and improvement in dock facilities, and also to acquire possession of the water front between Gansevoort and 23rd streets. With some hesitation I agree also to the wisdom of passing an act prohibiting the conveyance in perpetuity of any land under water within the limits of the Greater New York, but providing for the lease of such land with power of renewal. This is obviously proper for the crowded districts of the City. In remote parts of the City however, the terms must be sufficiently liberal to encourage private parties to take

hold and build up improvements which will help the whole water front.

The Commission, as of the first importance, recommends action on the State canals themselves. They agree with the Committee of which General Greene is chairman, that in the first place, the canals cannot be abandoned; that in the second place, a ship canal ought not to be built by the State; and that in the third place, the present canal must be enlarged. On these three fundamental points the reports of the Commission and Committee are at one. They differ however, as to whether the thousand-ton-barge canal should be built at a cost of some sixty millions of dollars, or whether the canal improvements proposed in the Act of 1895 should be carried through at the cost, as they estimate it, of fifteen millions of dollars. This difference corresponds to the undoubted differences of opinion on this subject among the people in the State at large who are most interested in seeing the canals built up. In my message accompanying the Canal Committee's report I have given in detail the reasons why I accept their conclusions rather than the conclusions of the Commerce Commission on this matter.

I desire especially to call your attention to that portion of the Commerce Commission's report which shows the main source of the trouble over the nine million dollar expenditure for improvements under the Act of 1895. The Commerce Commission's report makes it perfectly clear that there never was sufficient authority, or indeed any authority, for supposing that this nine million dollars would be enough to complete the work, and that a sum was named which was entirely insufficient. It was doubtless believed to be easier to get the small sum than a large one.

I call your attention to the whole report which should be read and studied in detail. The Commission held its hearings not only in New York and in the West, but also visited all the important seaports which are the business rivals of New York. We cannot afford to blink the fact that there has been a very serious loss in New York's commerce, and that the State cannot permit this loss to go unchecked. The Commission has gone at great length into all the various causes for the state of things described. Prompt action should be taken to remedy the evils complained of. We cannot afford to rest idle while our commerce is taken away from us, and we must act in the broadest and most liberal and most energetic spirit if we wish to retain the State's commercial supremacy. In accordance with the direction of the statute, the Commission will speedily submit drafts of bills designed to carry its recommendations into effect.

THEODORE ROOSEVELT

MESSAGE ACCOMPANYING REPORT OF THE
COMMITTEE ON THE CANAL QUESTION

STATE OF NEW YORK

Executive Chamber,

Albany, January 25, 1900

TO THE LEGISLATURE:

I submit herewith the report of the Canal Committee appointed by me March 8th, 1899, to carefully investigate the whole question of the proper policy which the State

of New York should pursue in canal matters. The Committee consisted not only of the State Engineer and Surveyor, and Superintendent of Public Works, but of five of the best known and most responsible citizens of the State who have taken over ten months to make their investigation. One of their number has carefully gone over on the ground some of the most important European canal systems. The whole Committee visited the Canadian canals besides going thoroughly over our own. They have collected an immense mass of testimony and have had most careful surveys made. They went into the matter absolutely without prejudice and have felt their way step by step, coming to no conclusion until the evidence in its favor seemed overwhelming. The report they now make is unanimous, and too much stress can hardly be laid upon it.

I am well aware of the gravity of the matter that they report. They deal with the most important single State interest which is cared for directly by the State Government. They propose a policy which will entail very heavy expenditure, which could only be justified by success, and which there would be no warrant in adopting save for the weightiest and most unanswerable reasons. Yet I am convinced that their reasoning is unanswerable; that the policy they propose is not merely wise and proper, but indispensable, if the future development of the State is to in any way correspond with its past.

The Committee point out that the first question to consider is whether the canals should be kept or abandoned. I call your attention to this point, particularly to the report of Mr. Witherbee on the European canals. It appears from this that in the most highly developed portions

of Europe there has been an immense positive and relative increase in the canal systems and in the traffic upon them; so that the experience of Germany, Russia, France, Belgium, and in short of all the great industrial communities where canal work is possible, is that it is desirable and profitable to keep up the development of the canals as fast as the railways are developed. It is alleged, however, that owing to America's advanced position in the equipment and management of her railways as compared with Europe, the problem here is different, the canals being hopelessly at a disadvantage; it is being alleged specifically that the railroads competing with the canals can now carry freight so cheaply that under no circumstances would it pay to transport it along an artificial waterway through this State. This subject the Committee discusses at length. They come to the conclusion, and fortify it by arguments which are seemingly irrefutable, that if the canals are modified to meet the requirements of the business of to-day, freight can be transported upon them for about one-third of the cost by rail, and that so far as human foresight can look into the future this result can be guaranteed for at least a generation. If the facts thus set forth are true, and seemingly they cannot be successfully controverted, it is a matter of vital interest to New York State, and especially to New York City, Buffalo and the great cities between them, that the canals should be put upon a really satisfactory working basis.

New York has seen of recent years a steady relative decline of her commerce compared to that of other ports. This has largely been brought about by railroad discrimination; but there have been other factors at work. Among these the decadence of the canal commerce has been the

most prominent. A new danger is now added by the up-building of the Canadian canal system which was completed last fall. I call your special attention to the Committee's reference to what this means in the way of the establishment of business plants at Montreal to do the work that would otherwise be done in Buffalo and New York. Another fact upon which special emphasis should be laid is the rapid development of Buffalo as the center of the iron industry and the probability that this development will go on in accentuated form during the next few years. The canals are of course specially fitted for transportation of bulky articles. Grain and lumber fulfill these requirements and so does iron. The growth of Buffalo as an iron center would be enormously stimulated by, and in turn would of itself fully compensate for, the proposed enlargement of the canals. And, on the other hand, if the canals are made large enough, they can successfully compete in the transportation of high class freight which is now exclusively carried by the railroads at high prices.

The giant revolution in industrial conditions which the last generation has seen, has worked as momentous changes in the conditions that affect the business prosperity of communities, as in those affecting the business prosperity of individuals. The private corporation which refuses to adapt itself to the new conditions goes down, and it is not possible that a community which follows a similar course should continue to stand on its former plane. Neither New York State nor New York City can afford to rest supine while their eager business rivals strain every nerve to snatch away the commerce which has been so large a part of their life blood. New York is the only State through which, because of its topography, it is possible

to transport freight by water from the great basin of the Mississippi to the Atlantic. The Dominion of Canada on the north has similar advantages, and how well the Canadians have availed themselves of them, the final opening of their great canal system last fall conclusively proves. If we do not improve our own canals we shall have nothing wherewith to meet the advantages conferred upon Canadian commerce by her canals on the north, while we deprive ourselves of a great aid in the struggle with our business rivals in our own country, leaving ourselves at the mercy of the combinations made by railroads for the benefit of other localities. The considerations affecting our commercial welfare are too vital for us to neglect them.

It may, I think, therefore be assumed that we cannot abandon the canals. It remains to consider in what form we shall make use of them.* Obviously there is no sufficient object to be gained by keeping them as they are. They do not do enough at present to warrant our continuing them in their present shape. If we are not to abandon them they must be so improved as to make them of real benefit. Three plans are proposed:

1. To complete the canals much on the line of what was intended in 1895.
2. To make them ship canals.
3. To adopt an intermediate course.

As regards the ship canal it suffices to say that at present the subject is not practicable as a State undertaking. The expense would be enormous, and it is by no means certain that it would be economical in the end to try to substitute for the three present types of cargo craft — that is, the lake steamer, the canal boat and the ocean

steamer — one ship which should go from an interior port across the ocean with unbroken cargo. Under any conceivable change the types of vessels best fitted for navigation respectively on the lakes, the canals and the ocean, would be so great, that it is doubtful whether it would be possible to make one type that would do for replacing all three.

There is a large and influential body of public opinion which favors completing the work begun in 1895, or making what are practically not very essential changes in it. The Commission, however, gives excellent reasons why this should not be done. The work would be far more expensive than it was originally supposed would be the case. One great trouble with the present canal improvement is that it was undertaken without a thorough estimate of the total cost of completing it. No further enlargement should be undertaken without such an estimate, and this has been made by the Committee with the utmost care. After careful investigation the Committee estimates that the nearest modification of the 1895 plan which would be in any way satisfactory would cost about twenty-one million dollars. The State of New York is rich and can afford to pay heavily for a great and real improvement in her transportation facilities. But it cannot afford an inadequate improvement. The Committee give good reasons for their belief that no adequate purpose would be served by changing the canals as they would be changed through the appropriation of twenty million dollars or less.

There remains the Committee's plan for a barge canal capable of carrying boats of a thousand ton capacity to build which would involve an expenditure of sixty million

dollars. At the outset this seems a very large expenditure of money, but the more I have looked into this question, the more I believe that considering the interests of the State as if they were those of a mere business corporation, this expenditure will seem right and proper. With an expenditure of twenty millions, the increase in the freight capacity of the canals and the diminution in the rate on freight might not be sufficient to enable the canals to compete with the railroads as an important factor in our transportation system; and there would then be no adequate return for the money. But sixty-two millions is not too large a sum for the great State of New York to expend, if it will secure for at least a generation the same canal advantages which were secured to this State in the early decades of the century by the original diminutive canal. There is every reason after the most patient investigation to believe that the large canal will result in a transportation cost across the State of New York as low as that on the St. Lawrence canals and far less than any rate that is possible by railroads at any time within the immediate future, if ever,— the difference in favor of the canals over the railroads being more than three-fold; that is, the freight rate on the canals being less than a third that by the railroads. The State of New York would thus receive the full advantages which its topography offers it in low rates of transportation, advantages possessed by no other State on the Atlantic coast. It must be remembered that the Erie Canal has far more than paid its expenses, and over and above this was the incalculable advantage to the State's commerce. If the proposed barge canal is paid for as the Committee proposes; that is, by taxing the people of the canal counties which would be

most immediately interested, and which possess eighty per cent. of the population and ninety per cent. of the assessed valuation of property of the State; by issuing bonds on this basis, the sum would represent less than one and a half per cent. of the assessed valuation of the canal counties; whereas the original Erie Canal represented more than three per cent. of the valuation of the State. In other words, we shall assume a burden less than one-half as great relatively to our resources as was assumed by New York when she was a comparatively poor and weak community. We would assume a burden only about as great as the burden of the Brooklyn Bridge when it was assumed by New York and Brooklyn. If three-quarters of a century ago New York State could build the original Erie Canal, if a quarter of a century ago the present city of Greater New York could start to build the Brooklyn Bridge, in each case to the enormous advantage of the community which incurred the burden of the expenditure, there is no reason why the Empire State should now shrink from such an undertaking, when it promises similar results. The eighteen-year bonds which will be negotiated would result in an increase of but about ten cents on every hundred dollars of the present assessed valuation, and this would decrease year by year as the valuation increases. The aggregate tax of the canal counties is now about two dollars per hundred of valuation, and this would be an increase of but ten cents on each hundred dollars. As a matter of fact, this ten cents increase is much less than the fluctuations from year to year in taxation. It is the city of New York which will pay over two-thirds of the cost, or in other words, over forty millions of the amount. She is now considering the propriety of spending

very nearly double that amount for railroads, bridges and tunnels to facilitate the movement of her citizens within her own limits. It is surely worth while, when this is the case, to consider the propriety of a much smaller expenditure, upon the success of which may depend the fact whether there will be enough passengers to make these enterprises successful.

I call your special attention to that portion of the Committee's report in which they set forth that the efficiency of the canals depends upon their management quite as much as upon their physical size, and that there should be no further money spent upon them unless accompanied by measures which will secure their management upon an absolutely business basis. These measures are:

First. To remove all restrictions as to the amount of capital of companies engaged in transportation, so as to encourage instead of hampering the development of those modern business methods which are largely the foundation of our present prosperity.

Second. To provide for mechanical means for traction and the use of mechanical power in the place of hand power in the locks.

Third. The organization of the force on a permanent basis so as to afford a guarantee that the entry into the service of applicants, their tenure of office and promotion will depend solely on their fitness. This I consider a recommendation of vital importance. We must make it possible for young engineers to enter into the work on the canals as they would into any other career, and the ordinary laborers and the like should be employed only when they show themselves presumably fit for the work, and should be kept so long and only so long as they render

efficient service, being promoted, reduced or dismissed strictly in accordance with the capacity, industry and good conduct of which they give proof. There must be legislation to secure the permanence of any such system.

Fourth. A revision of the laws in regard to the letting of public contracts and of advertising, so as to prevent a repetition of the matters animadverted upon in the portion of my annual message on the subject of the canals, recently laid before your body.

I again earnestly ask your attention to this subject than which no other can be more vital to the welfare of the State.

THEODORE ROOSEVELT

CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF ASSEMBLY BILL INT. NO. 472,
RELATING TO RAPID TRANSIT IN NEW
YORK CITY

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

It appearing to my satisfaction that the public interest requires it;

THEREFORE In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill, Introductory number 472, entitled "An act to amend chapter 378 of the laws of 1897 entitled 'An

act to unite into one municipality under the corporate name of The City of New York the various communities lying in and about New York Harbor, including the city and county of New York, the city of Brooklyn and the county of Kings, the county of Richmond and part of the county of Queens, and to provide for the government thereof', relative to rapid transit."

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L s] twenty-fifth day of January in the year of our
Lord nineteen hundred.

THEODORE ROOSEVELT.

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

DESIGNATION OF THE ATTORNEY-GENERAL
TO REPRESENT THE PEOPLE IN CERTAIN
ELECTION PROSECUTIONS IN NEW YORK
CITY

STATE OF NEW YORK

Executive Chamber

Albany, February 3, 1900

To the Honorable JOHN C. DAVIES, *Attorney-General of
the State of New York:*

In pursuance of Article V of the Executive Law of the State of New York, you are hereby required to attend in person or by one of your deputies, a Trial Term of the

Supreme Court of said State to be held in the Criminal Court Building in the Borough of Manhattan, in the City of New York, in and for the County of New York, commencing on the fifth day of February, 1900, and to appear before the grand jury thereof for the purpose of managing and conducting in such court and before such grand jury at such term, in behalf of the People, criminal actions and proceedings for the discovery, indictment, prosecution, conviction and punishment of any and all persons guilty of having, within said county, violated any of the provisions of sections 435 or 168, or of Chapter 8 of Title IX of the Penal Code.

THEODORE ROOSEVELT

THE PUBLIC HEALTH—ORDER DIRECTING
THE GREENBUSH WATER WORKS COM-
PANY TO SHOW CAUSE

STATE OF NEW YORK

Executive Chamber

*In the Matter of the Alleged Nuisance affecting the security
of life and health in the city of Rensselaer by the pollu-
tion and contamination of the water supply thereof —
Notice and summons*

TO THE GREENBUSH WATER WORKS COMPANY:

The State Board of Health having on the fourteenth day of February 1900, reported to the Governor among

other things that it recommends that an order be entered "declaring the water now being furnished by the Greenbush Water Works Company to constitute a nuisance injurious to the public health of the inhabitants of said city and directing and requiring the said Greenbush Water Works Company to cease furnishing water of the character and quality now furnished to the said city of Rensselaer and the inhabitants thereof, within six months from the date hereof, unless before that date said Greenbush Water Works Company shall obtain water from a different supply and of a purer character, or filter the water taken from the river in a manner to be approved by the State Board of Health"; which said report was filed with the Governor on the fourteenth day of February 1900;

You are therefore required to show cause before the Governor, at the Executive Chamber in the city of Albany on Monday the fifth day of March 1900 at eleven o'clock in the forenoon of that day, why the order recommended by the State Board of Health should not be made by the Governor in accordance with the recommendations made in said order.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany this
[L s] twenty-sixth day of February in the year of our Lord nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

MATTER OF KEARNEY, NOTARY PUBLIC—
NOTICE AND SUMMONS

STATE OF NEW YORK

Executive Chamber

*In the Matter of the Charges preferred against John F. Kearney a notary public in and for the county of New York —
Notice and summons*

TO JOHN F. KEARNEY, New York City:

Charges of malfeasance and extortion in the office of notary public having been preferred against you by Siegbert G. Lewin of the city of New York, in that you demanded and exacted of the said Lewin, fees for notarial service in excess of the amount authorized by law to be charged by you for such services, you are hereby directed and required to make answer why you should not be removed from said office of notary public, such answer to be filed with the Governor on or before the seventeenth day of March next.

A copy of the charges preferred by said Lewin are herewith attached.

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L s] first day of March in the year of our Lord
nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

MESSAGE TRANSMITTING A LETTER FROM
THE SECRETARY OF THE NAVY

STATE OF NEW YORK

Executive Chamber

Albany, March 5, 1900

TO THE LEGISLATURE:

The attached letter from Honorable JOHN D. LONG, Secretary of the Navy, explains itself. I very earnestly recommend that the request of the Secretary of the Navy be granted. If there is one branch of the National public service which should be kept at the very highest point of efficiency, it is the navy; and if there is one State which more than any other is peculiarly interested in the navy, it is New York State. As part of the American nation, New York has always done its share in upholding the navy, and now that it is called upon to act in its capacity as a State, I earnestly hope that it will comply with the request of Secretary Long.

THEODORE ROOSEVELT.

THE PUBLIC HEALTH—ORDER DIRECTING
THE GREENBUSH WATER WORKS COM-
PANY TO ABATE NUISANCE

STATE OF NEW YORK

Executive Chamber

*In the Matter of the Alleged Nuisance affecting the security
of life and health in the city of Rensselaer by the pollu-
tion and contamination of the water supply thereof*

The parties interested in the above entitled matter having duly appeared before me on this fifth day of March, 1900, pursuant to my order issued of date February 26, 1900, and the Greenbush Water Works Company by its representatives having acknowledged the need of action on its part in the premises and agreed to so modify, improve and perfect its past and present methods as to supply the city of Rensselaer with pure and wholesome water; it is hereby

ORDERED that the said Greenbush Water Works Company forthwith proceed to remedy and abate the nuisance heretofore maintained by it and proceed with due diligence and speed to provide the said city of Rensselaer with pure and wholesome water in sufficient quantity for the use of said city and its inhabitants; and it is also hereby

ORDERED that the said Greenbush Water Works Company remedy and abate the existing nuisance now maintained by it and fully perfect its system of supplying water so that it shall deliver pure and wholesome water and in

sufficient quantity to the city of Rensselaer on or before the first day of January in the year 1901, and continuously thereafter.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany this [L s] fifth day of March in the year of our Lord nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF ASSEMBLY BILL NO. 2003, RE-
LATING TO THE LAW DEPARTMENT OF
THE CITY OF NEW YORK

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

It appearing to my satisfaction that the public interest requires it;

THEREFORE In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill number 2003 (Introductory No. 653)

entitled "An act to amend the Greater New York charter, relative to the law department".

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L s] fourteenth day of March in the year of our
Lord nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF ASSEMBLY BILL NO. 2068,
RELATING TO THE POWER OF THE
WATER COMMISSIONER OF NEW YORK
CITY

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

It appearing to my satisfaction that the public interest requires it;

THEREFORE In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill number 2068 (Introductory No. 181) entitled "An act to amend section four hundred and seventy-one of the Greater New York charter in relation to the

restriction on the power of the commissioner of water supply to contract for the supplying or selling of water for public or private use or consumption ”.

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L S] fourteenth day of March in the year of our
Lord nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF SENATE BILL NO. 1034, REGU-
LATING TEACHERS' SALARIES IN NEW
YORK CITY

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

It appearing to my satisfaction that the public interest requires it;

THEREFORE In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill number 1034 (Introductory No. 756) entitled “An act to amend chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-

seven, entitled 'An act to unite into one municipality, under the corporate name of the city of New York, the various communities lying in and about New York Harbor, including the city and county of New York, the city of Brooklyn and the county of Kings, the county of Richmond, and part of the county of Queens, and to provide for the government thereof,' relative to the department of education, for the purpose of establishing a uniform salary schedule and providing funds therefor ".

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L s] fourteenth day of March in the year of our
Lord nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF ASSEMBLY BILL No. 1128,
CREATING A COMMISSION ON THE CHAR-
TER OF NEW YORK

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

It appearing to my satisfaction that the public interest requires it;

THEREFORE In accordance with the provisions of section fifteen of article three of the Constitution and by

virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill number 1128 (Introductory No. 180) entitled "An act to authorize the appointment of a commission to inquire into the local government of the city of New York and the charter thereof and suggest legislation thereon".

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany this
[L s] fourteenth day of March in the year of our Lord nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF SENATE BILL No. 1344, CRE-
ATING A SEPARATE DEPARTMENT OF
ELECTIONS IN NEW YORK CITY.

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

It appearing to my satisfaction that the public interest requires it;

THEREFORE In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do

hereby certify to the necessity of the immediate passage of Senate bill number 1344, entitled "An act to establish a separate department of elections in the city of New York".

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany this
[L s] twenty-third day of March in the year of our Lord nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF SENATE BILL NO. 1433
AMENDING THE AGRICULTURAL LAW AS
TO STATE FAIRS

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

It appearing to my satisfaction that the public interest requires it;

THEREFORE In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill number 1433 (Introductory No. 534) en-

titled "An act to amend the agricultural law, in relation to state fairs".

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany this [L s] twenty-eighth day of March in the year of our Lord nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

THE PUBLIC HEALTH—ORDER EXTENDING
TIME TO ABATE NUISANCE MAINTAINED
BY THE EASTERN PAVING BRICK COM-
PANY AT CATSKILL

STATE OF NEW YORK

Executive Chamber

WHEREAS an order was issued by me of date July 29, 1899, directing that the Eastern Paving Brick Company at Catskill abate certain nuisances prejudicial to the public health, which order was also subsequently extended, and

WHEREAS the statements made to me by the said Eastern Paving Brick Company are to the effect that further time is necessary within which to perfect its mechanical appliances for the termination of such nuisances, and being satisfied that such Company is acting in good faith and using reasonable diligence, it is hereby

ORDERED that the enforcement of my said order of date July 29, 1899, be suspended until the first day of July 1900, and I hereby direct the sheriff of the county of Greene to suspend such enforcement of said order as before stated, so that the Eastern Paving Brick Company may have until the first day of July 1900 within which to abate and terminate the nuisances maintained by it.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany this
[L s] twenty-ninth day of March in the year of our Lord nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

CERTIFICATION TO THE NECESSITY OF THE
PASSAGE OF SENATE BILL NO. 1406, TO
SECURE EQUAL EDUCATIONAL RIGHTS
TO COLORED CHILDREN

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

It appearing to my satisfaction that the public interest requires it;

THEREFORE In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do

hereby certify to the necessity of the immediate passage of Senate bill number 1406 (Introductory No. 856), entitled "An act to secure equal rights to colored children in the State of New York, and to repeal section twenty-eight, article eleven, title fifteen, of chapter five hundred and fifty-six of the laws of eighteen hundred and ninety-four, entitled 'The consolidated school law'".

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L s] twenty-ninth day of March in the year of our
Lord nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

VETO OF SENATE BILL NO. 750, RELATING TO
SURFACE RAILROADS IN QUEENS OR
NASSAU COUNTY

STATE OF NEW YORK

Executive Chamber

Albany, March 30, 1900

TO THE SENATE:

I return without approval Senate bill number 750, introduced by Senator Norton, entitled "An act to amend chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-four, entitled 'An act for the preser-

vation of macadamized public highways in Queens county', in relation to street and surface railroads in incorporated villages in the county of Nassau".

The object of the original act was to prevent the construction of any street surface railroad or railroad of any kind upon the macadamized highways in any town in Queens county unless a vote of a majority of the electors of such town being cast in favor thereof at an annual town meeting. In amending this law as proposed, for some reason, the words "or railroad of any kind", have been omitted from the body of the section, thereby permitting the construction of steam railroads in any portion of the towns in Queens or Nassau counties without a vote of the people. The people of Queens and Nassau counties have bonded themselves to a very large extent to maintain a system of macadamized roads unequaled in this State. They are justly proud of this fact and have endeavored through the Legislature to place ample safeguards around them. The permission which this bill would give to allow steam railroads to go through or over these roads might work very great injury to this macadamized road system. The intent of this bill was probably to allow the laying of a trolley line or lines through certain villages in Nassau county. It must be remembered, however, that the macadamized streets through which these railroads wish to pass were built by the towns, and town and county bonds were issued for that purpose. The entire people of the towns were therefore interested in their preservation. I do not approve of any measure which would take from the people the right to vote upon such a proposition, and as this bill deprives the citizens of the towns in Queens

and Nassau counties of the right to say whether or not such a road shall be built, it cannot meet with my approval.

THEODORE ROOSEVELT

MESSAGE RECOMMENDING THE PASSAGE OF
THE TENEMENT HOUSE COMMISSION
BILL

STATE OF NEW YORK

Executive Chamber

April 2, 1900

TO THE LEGISLATURE:

There is before you a measure for the establishment of a tenement house commission to look into the whole subject of the proper construction of tenement houses in the congested districts of our great cities of the first class. I earnestly hope that this bill may be enacted into law. It is probable that there is not, and has not been, before your body a measure of more real importance to the welfare of those who are least able to protect themselves and whom we should especially guard from the effects of their own helplessness and from the rapacity of those who would prey upon them. There was held this year in New York a Tenement House Exhibition, showing by maps and models the dreadful conditions which we are now striving to remedy, and the shape that the remedy should take. One of the most striking features at this exhibit was the series of charts which showed the way in which disease, crime and pauperism increased almost in geomet-

rical proportion as the conditions of tenement house life became worse—that is, as to overcrowding are added the evils of want of air, of light, of cleanliness, of comfort, in short of all the decencies of life. These decencies are of course indispensable if good citizenship is to be made possible. The tenement house in its worst shape is a festering sore in the civilization of our great cities. We cannot be excused if we fail to cut out this ulcer; and our failure will be terribly avenged, for by its presence it inevitably poisons the whole body politic and social. At present in New York the conditions are in some respects worse, not better than they were a few years ago, because now the authorities permit the erection of huge buildings, which though less disreputable in appearance than the old tenement houses are, because of their immense mass and inferior light and air shafts, worse from a hygienic standpoint.

Two classes of people are interested in perpetrating the present infamous conditions, viz.: the class that owns the tenement houses and the class that builds them. The best owners and the best builders do not desire to perpetuate these conditions; but it is imperative to protect them from the competition of their less conscientious rivals.

Against this concrete and mercenary hostility to the needed reform we can marshal only the general sentiment for decent and cleanly living and for fair play to all our citizens. Too often the sufferer himself is dumb either because he cannot express himself or because he does not know what remedy to advocate. In his interest, and in the interest of all our people,—above all in the interest of the State whose standard of citizenship in the future

is partly dependent upon the housing of children in the tenement house districts of the present — we should see to the improvement of the conditions which now make the congested districts of our great cities a blot on our civilization. Great good was accomplished by the tenement house commission appointed under a similar bill a few years ago. This good is now in part being nullified, and a new Commission is urgently needed.

THEODORE ROOSEVELT

REVOCATION OF THE DESIGNATION OF JUSTICE BARRETT TO THE APPELLATE DIVISION

STATE OF NEW YORK

Executive Chamber

WHEREAS The Honorable GEORGE C. BARRETT, a justice of the Supreme Court of the First Judicial District, having been heretofore designated to sit as an Associate Justice of the Appellate Division of the Supreme Court in and for the First Judicial Department and he having filed his written request that such designation be revoked;

NOW THEREFORE In accordance with the statute in such case made and provided the designation heretofore made of date the twelfth day of December 1899 of the Honorable GEORGE C. BARRETT to sit as Associate Justice of the Appellate Division of the Supreme Court in and for the

First Judicial Department is hereby and at his own request revoked.

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L s] third day of April in the year of our Lord nine-
teen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF SENATE BILL No. 1476 — THE
SUPPLY BILL

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

It appearing to my satisfaction that the public interest requires it;

THEREFORE In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill number 1476, entitled "An act making

appropriations for certain expenses of government and supplying deficiencies in former appropriations ”.

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L s] third day of April in the year of our Lord
nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF SENATE BILL NO. 1031, AP-
PROPRIATION FOR CRIMINAL INVESTI-
GATION IN THE CITY OF NEW YORK

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

It appearing to my satisfaction that the public interest requires it;

THEREFORE In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill number 1031 (Introductory No. 1478), entitled “ An act making appropriations for certain expenses of government and for the payment of extraordinary ex-

penses incurred under the provisions of the Constitution and Executive Law in the conduct of criminal proceedings and investigations in the county of New York ”.

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L s] third day of April in the year of our Lord
nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF SENATE BILL NO. 1479, MAK-
ING APPROPRIATION FOR QUARANTINE
IMPROVEMENTS

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

It appearing to my satisfaction that the public interest requires it;

THEREFORE In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill number 1479 (Introductory No. 690), entitled “ An act making an appropriation for the quarantine

commission for re-claiming land and erecting a building for cabin passengers at Hoffman's Island, New York".

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany this
[L s] fourth day of April in the year of our Lord nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF SENATE BILL NO. 1486, TO
ABOLISH THE STATUTORY REVISION COM-
MISSION

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

It appearing to my satisfaction that the public interest requires it;

THEREFORE In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill number 1486 (3d Rdg. No. 1047) entitled "An act to repeal chapter two hundred and eighty-nine of the laws of eighteen hundred and eighty-nine entitled 'An act to provide for the revision and consolidation of certain of the general statutes of this state'; chapter three hundred and thirteen of the laws of eighteen hun-

dred and ninety, entitled ' An act making an appropriation for continuing the work of the commissioners of statutory revision ' ; and chapter ten hundred and thirty-six, of the laws of eighteen hundred and ninety-five, entitled ' An act authorizing the appointment of three members of the bar to examine and report upon a revision of the code of civil procedure ' ; and to abolish the offices heretofore known as commissioners of statutory revision, and the commissioners of code revision; also to amend section three, of ' the executive law ' in relation to the appointment of a counsel to the governor ''.

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L s] fourth day of April in the year of our Lord
nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF SENATE BILL NO. 1480, RELAT-
ING TO CITY FUNDS OF SYRACUSE

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

It appearing to my satisfaction that the public interest requires it;

THEREFORE In accordance with the provisions of section fifteen of article three of the Constitution and by vir-

tue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill number 1480 (Introductory No. 1032), entitled "An act relative to the city funds of the city of Syracuse, and to provide for unpaid over-drafts and deficiencies".

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L¹s] fourth day of April in the year of our Lord
nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF ASSEMBLY BILL NO. 2462,
AMENDING THE AGRICULTURAL LAW AS
TO WATERING MILK

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

It appearing to my satisfaction that the public interest requires it;

THEREFORE In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage

of Assembly bill number 2462 (Introductory No. 1728), entitled "An act to amend the agricultural law, relating to penalties for watering milk furnished to butter and cheese factories conducted on the co-operative plan".

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L s] fourth day of April in the year of our Lord
nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF ASSEMBLY BILL NO. 2459,
AMENDING THE PUBLIC HEALTH LAW

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

It appearing to my satisfaction that the public interest requires it;

THEREFORE In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill number 2459 (Introductory No. 1726),

REVOCATION OF DESIGNATION OF JUSTICE HATCH 109

entitled "An act to repeal section sixty-five of article four of the public health law".

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L s] fourth day of April in the year of our Lord
nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

REVOCATION OF THE DESIGNATION OF JUSTICE HATCH

STATE OF NEW YORK

Executive Chamber

WHEREAS The Honorable EDWARD W. HATCH, a justice of the Supreme Court of the Eighth Judicial District, having been heretofore designated to sit as an Associate Justice of the Appellate Division of the Supreme Court, in and for the Second Judicial Department and he having filed his written request that such designation be revoked;

NOW THEREFORE In accordance with the statute in such case made and provided the designation heretofore made of date the first day of January 1896 of the Honorable EDWARD W. HATCH to sit as Associate Justice of the Appellate Division of the Supreme Court in and for the Second Judicial Department is hereby and at his own request

revoked, to take effect on the sixteenth day of April, instant

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany this
[L s] fourth day of April in the year of our Lord nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

DESIGNATION OF JUSTICE HATCH TO THE APPELLATE DIVISION

STATE OF NEW YORK

Executive Chamber

In accordance with section two of article six of the Constitution and the statute in such case made and provided, the

HONORABLE EDWARD W. HATCH

of the county of Erie who is a justice of the Supreme Court of the Eighth Judicial District is hereby designated as an Associate Justice of the Appellate Division of the Supreme Court in and for the First Judicial Department for the term of five years from and after April 16 1900 to succeed the Honorable GEORGE C. BARRETT whose desig-

nation as such Associate Justice has been, and at his own request, revoked.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany this
[L s] fourth day of April in the year of our Lord nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

DESIGNATION OF JUSTICE JENKS TO THE
APPELLATE DIVISION

STATE OF NEW YORK

Executive Chamber

In accordance with section two of article six of the Constitution and the statute in such case made and provided, the

Honorable ALMET F. JENKS

of the county of Kings who is a justice of the Supreme Court of the Second Judicial District is hereby designated as an Associate Justice of the Appellate Division of the Supreme Court in and for the Second Judicial Department for the term of five years from April 16 1900 to succeed the Honorable EDWARD W. HATCH whose designation as such Associate Justice has been and at his own request

revoked, this designation to take effect from the sixteenth day of April, instant.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany this
[L S] fourth day of April in the year of our Lord nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF ASSEMBLY BILL NO. 2473,
AMENDING THE STATE CHARITIES LAW

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

It appearing to my satisfaction that the public interest requires it;

THEREFORE In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill number 2473 (Introductory No. 746), entitled "An act to amend chapter five hundred and forty-six of the laws of eighteen hundred and ninety-six, entitled

'An act relating to state charities, constituting chapter twenty-six of the general laws'".

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L s] fifth day of April in the year of our Lord nine-
teen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF ASSEMBLY BILL NO. 2474, TO
ESTABLISH A STATE TUBERCULOSIS HOS-
PITAL

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

'It appearing to my satisfaction that the public interest requires it;

THEREFORE In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill number 2474 (Introductory No. 340), entitled "An act to establish a state hospital in some suitable location in the Adirondacks for the treatment of incipient

pulmonary tuberculosis, and making an appropriation therefor ”.

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L s] fifth day of April in the year of our Lord nine-
teen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF ASSEMBLY BILL NO. 2471,
AMENDING THE PRIMARY ELECTIONS
LAW

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

It appearing to my satisfaction that the public interest requires it;

THEREFORE In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill number 2471 (Introductory No. 1731), entitled “ An act to amend the primary election law, rela-

tive to the time of holding primary elections in a presidential year ”.

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L s] fifth day of April in the year of our Lord nine-
teen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF ASSEMBLY BILL NO. 2479 —
THE APPROPRIATION BILL

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

It appearing to my satisfaction that the public interest requires it;

THEREFORE In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill number 2479 (Introductory No. 1735),

entitled "An act to provide ways and means for the support of government".

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L S] sixth day of April in the year of our Lord nine-
teen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor.

CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF ASSEMBLY BILL NO. 2477—
SUPPLEMENTAL SUPPLY BILL

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

It appearing to my satisfaction that the public interest requires it;

THEREFORE In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill number 2477 (Introductory No. 1736), entitled "An act making appropriations for certain ex-

penses of government and supplying deficiencies in former appropriations ”.

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L s] sixth day of April in the year of our Lord nine-
teen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

CERTIFICATION OF THE NECESSITY OF THE
PASSAGE OF ASSEMBLY BILL NO. 2476—
SUPPLEMENTAL SUPPLY BILL

STATE OF NEW YORK

Executive Chamber

TO THE LEGISLATURE:

It appearing to my satisfaction that the public interest requires it;

THEREFORE In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill number 2476 (Introductory No. 1551), entitled “An act making appropriations for certain ex-

penses of government and supplying deficiencies in former appropriations ”.

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L s] sixth day of April in the year of our Lord nine-
teen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

PROCLAMATION AS TO ARBOR DAY

Proclamation by Theodore Roosevelt, Governor

STATE OF NEW YORK

Executive Chamber

The fourth of May next will be Arbor Day, established by statute. The school children of this State have planted more than two hundred thousand trees within the ten years in which Arbor Day has been recognized. Few similar efforts in recent years have been more thoroughly commendable than the effort to get our people practically to show their appreciation of the beauty and usefulness of trees. The steady tendency towards the disproportionate growth of cities renders it all the more necessary to foster the things of the country. Thoughtful people are realizing more and more the immense importance of forests to the whole community, and although forest growth

confers a special benefit which could not be conferred by the growth of the same number of trees isolated one from the other, yet the benefits conferred likewise by the latter are in their own way almost as great. In most of the districts of the State no tree ought ever to be cut down unless two are planted in its place. The custom of tree planting should be favored in every way.

DONE at the Capitol in the city of Albany this
[PRIVY SEAL] twelfth day of April in the year of our
Lord nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

VETO OF ASSEMBLY BILL NO. 1806, RELATING
TO SETTLEMENT OF LAWSUITS WITH-
OUT ATTORNEYS' CONSENT

STATE OF NEW YORK

Executive Chamber

Albany, April 14, 1900

*Memorandum filed with Assembly bill Introductory No. 726,
Printed No. 1806, introduced by Mr. Green, entitled
"An Act to amend section sixty-six of the Code of Civil
Procedure, in reference to attorneys and counsellors'
compensation" — Not approved*

I withhold my signature from this bill because in my judgment it is thoroughly vicious. It provides that no

settlement of any law suit shall be valid without the consent of the attorneys or without an application to the court upon notice to the attorneys. The code now provides all necessary security for an attorney in that it gives him a lien upon the cause of action. This bill would be a benefit chiefly to the very lawyers whom the honorable members of their profession least desire to see benefited — that is, to those who bring suits for damages on account of accidents and who wish to be in a position to mulct both their own clients and the defendants in case of a settlement. In its first draft the bill applied only to negligence suits. As it was passed, it applies to all suits. An unscrupulous attorney might turn it to his advantage by bringing a blackmailing suit at the eve of any great commercial or railroad consolidation when it would be in his power to hold up a settlement involving great sums of money. In short, the possibilities for fraud which are afforded by this bill are so numerous that it is not entitled to any consideration.

THEODORE ROOSEVELT

REVOCATION OF DESIGNATION OF JUSTICE HERRICK

STATE OF NEW YORK

Executive Chamber

WHEREAS the Honorable D. CADY HERRICK a justice of the Supreme Court of the Third Judicial District having been heretofore designated to sit as an Associate Justice of the Appellate Division of the Supreme Court in

and for the Third Judicial Department and he having filed his written request that such designation be revoked;

NOW THEREFORE In accordance with the statute in such case made and provided the designation heretofore made of date October 7 1895 of the Honorable D. CADY HERRICK to sit as Associate Justice of the Appellate Division of the Supreme Court in and for the Third Judicial Department is hereby and at his own request revoked; to take effect May 1 1900.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany this
[L s] twenty-fourth day of April in the year of our Lord nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

DESIGNATION OF JUSTICE EDWARDS TO THE APPELLATE DIVISION

STATE OF NEW YORK

Executive Chamber

It appearing to my satisfaction that the public interest requires it;

THEREFORE In accordance with section 2 of article VI of the Constitution the

Honorable SAMUEL EDWARDS

of the city of Hudson who is a justice of the Supreme Court of the Third Judicial District is hereby designated

as Associate Justice of the Appellate Division of the Supreme Court in and for the Third Judicial Department from and after the first day of May 1900, in the place of D. CADY HERRICK whose designation as such Associate Justice has been revoked at his own request.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany this
[L s] twenty-fourth day of April in the year of our Lord nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

MEMORANDUM FILED WITH THE APPOINTMENT OF THE NEW YORK CHARTER REVISION COMMISSION

STATE OF NEW YORK

Executive Chamber

Albany, April 25, 1900

Memorandum filed with the appointment of the commission to revise the charter of the city of New York, created by chapter 465 of the Laws of 1900

The act under which this commission is appointed is an Act providing for the revision of the Greater New York Charter. The law does not impose any restrictions

on the freedom of the Commissioners; and I desire that they exercise their judgment with entire liberty. Of course the law contemplates the revision of the existing Charter in the light of experience. It does not contemplate the framing of a new Charter. Nothing is easier than to make a city charter which is not to be enacted into law, and nothing is harder than to frame one which is to be enacted into law; that is to secure general assent to any new instrument which affects vitally important interests. In the existing charter there are many points where experience has shown amendment to be absolutely necessary; and on all such points favorable action can surely be secured. I am confident that the commission now appointed will strive to make its suggestions of such a character, and to present them in such a form, that favorable action by the Legislature may reasonably be expected to follow their deliberations. I shall venture specially to call the attention of the commission to one or two matters; notably to the question of New York water supply, in order that effectual steps may be taken to remove all danger from the Ramapo or any similar scheme to exploit the city's needs of water in the interest of a private corporation.

THEODORE ROOSEVELT

VETO OF ASSEMBLY BILL NO. 1358, TO APPOINT A COMMISSIONER OF EDUCATION IN THE CITY OF TROY

STATE OF NEW YORK

Executive Chamber

Albany, April 25, 1900

*Memorandum filed with Assembly bill No. 1358, entitled
"An Act to appoint a Commissioner of Education in and
for the city of Troy, and to provide for the government
and support of the public schools of said city" — Not ap-
proved*

I withhold my signature from the Troy School bill. There are many excellent features in the proposed bill, but it is so revolutionary in its nature that I deem it inexpedient to sign it at the present time, especially in view of the fact that the present Mayor will during his term be able to change completely the personnel of the present board. With all of this legislation it must be remembered that the legislation itself, though it may be important, is less important than the administration. Whether we get good or bad government in our cities is mainly a matter of administration. Beyond question this bill has been pushed with a desire to better the conditions of the schools of Troy, and equally beyond question the desire for some such bill has arisen because of the summary dismissal of teachers for political reasons at times in the past. It is exceedingly important to get rid entirely of political considerations in dealing with the schools. By

section ten of the proposed bill, this is recognized and provided for in excellent shape, but at present it seems to me unwise to turn the schools over to a single commissioner who would change whenever a new party came into power. I think this would deprive the schools of a needed element of permanence.

THEODORE ROOSEVELT

MEMORANDUM FILED WITH APPROVED SEN-
ATE BILL NO. 1060, RELATING TO COURT
ATTENDANTS IN THE COUNTY OF QUEENS

STATE OF NEW YORK

Executive Chamber

Albany, April 25, 1900

Memorandum filed with Senate bill No. 1060, entitled "An Act relating to attendants upon the Supreme Court and County Court in and for the County of Queens" — Approved

This bill was passed in both branches of the Legislature and went to the mayor of the city of New York for approval. It was returned to the Executive Department not approved. This is the first instance in which a bill vetoed by the mayor has received Executive approval except where it has been re-passed by both houses of the Legislature over the mayor's veto, and it is proper that the reasons which influenced the Governor in signing this bill should be stated.

This act relates solely to the question of providing for attendants for the Supreme Court and the County Court in and for the county of Queens. The county of Queens, notwithstanding chapter 378 of the Laws of 1897, remains a municipal corporation for certain purposes as completely as if that act had not been passed. The maintenance and expense of conducting the courts of the county are a county charge and are in no sense a charge upon the city as a municipal corporation. The money necessary to pay the officers, the appointment of which is provided for in this bill, must be raised by a county tax imposed upon the county of Queens, and not by a city tax imposed upon the city of New York as a whole.

It is clearly manifest that the proposed law does not in any wise affect the property, affairs or government of any of the several departments of the city of New York and therefore it is not such a law as is required by the Constitution to be submitted to the mayor of New York for his action thereon.

THEODORE ROOSEVELT

DESIGNATION OF JUSTICE CHASE TO HOLD
THE TRIAL TERM AT UTICA

STATE OF NEW YORK

Executive Chamber

WHEREAS the Trial Term of the Supreme Court appointed to be held at the city of Utica on the first Mon-

day in May, nineteen hundred, will be in danger of failing through the designation to the Appellate Division of the Supreme Court for the Fourth Department of the Honorable PARDON C. WILLIAMS, the Justice of the Supreme Court who was appointed to hold said court in the city of Utica;

NOW THEREFORE In accordance with the statute in such case made and provided, I do hereby designate and appoint the

Honorable EMORY A. CHASE,

who is a Justice of the Supreme Court, to hold the said Trial Term of the Supreme Court at the city of Utica from and after Monday, May 7, 1900 in the place of the Honorable PARDON C. WILLIAMS.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany this
[L s] third day of May in the year of our Lord nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

MEMORANDUM FILED WITH APPROVED SEN-
ATE BILL NO. 249, FIXING STENOGRAPH-
ERS' SALARY, FIRST DEPARTMENT

STATE OF NEW YORK

Executive Chamber

Albany, May 3, 1900

*Memorandum filed with Senate bill printed No. 249, intro-
duced by Senator Ford, entitled "An Act in relation to
the Supreme Court in the first judicial department and
the appellate division thereof in the first department, in
relation to the salary of the Supreme Court stenogra-
phers" — Approved*

This act is asked for by the judges of the courts concerned. One member of the Appellate Division writes me as follows: "The Legislature at its last session passed a bill known as Senate bill No. 249 which amended section 9 of chapter 553 of the laws of 1895, entitled 'An Act in relation to the Supreme Court in the First Judicial Department and the Appellate Division thereof in the First Department, in relation to the salary of the Supreme Court stenographers.' The object of this act was to equalize the salaries paid to the stenographers in the Supreme Court in the First Department with the salaries paid to the stenographers in the Supreme Court in the Second Department and in the City Court of the city of New York. I know of no reason why the stenographers of the Supreme Court in the

First Department whose duties are much more important and onerous should not receive the same salary as is paid the stenographers in the Second Department, or in the City Court; and, although I had no knowledge of this bill until after it had passed, it would seem that it would only be right to give these very hard working and deserving men the same compensation that their brethren receive in positions of much less importance. In some way, however, this bill was sent to the Mayor as a bill affecting the city of New York and has failed to receive his approval. I am at a loss to understand upon what principle it was considered proper to send it to him. The provision of the Constitution authorizing the Mayor to veto bills applies to 'laws relating to the property, affairs or government of cities' (Article 12, section 2 of the Constitution.) Certainly a bill regulating the appointment of subordinate officers of the Supreme Court and regulating their compensation which is made a county charge has no relation to the property, affairs or government of a city. This act relates to the Supreme Court; regulates the appointment of its subordinate officers, provides for their compensation and prescribes their duties, thus relating directly to the administration of justice; and it is difficult for me to see that it applies in any way to the government, property or affairs of the city of New York. Of course these are only my individual views, but as this bill would seem to remedy what is an injustice, and as I certainly think that acts in relation to the administration of justice and to the organization of the Supreme Court could not be subject to the control of the municipal authorities, I have ventured to communicate to you the exact situation in regard to this bill."

I have already signed a bill somewhat similar in character introduced by Senator NORTON relative to court attendants in Queens county, under an opinion given me by the Attorney General that it was not a city bill. Under these circumstances I have appended my signature to this bill.

THEODORE ROOSEVELT

MEMORANDUM FILED WITH APPROVED SENATE BILL NO. 1034, AMENDING THE NEW YORK CITY CHARTER AS TO TEACHERS' SALARIES

STATE OF NEW YORK

Executive Chamber

Albany, May 3, 1900

Memorandum filed with Senate bill, printed No. 1034, introduced by Senator David Floyd Davis, entitled "An Act to amend chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, entitled 'An Act to unite into one municipality, under the corporate name of the City of New York, the various communities lying in and about New York harbor, including the city and county of New York, the city of Brooklyn and the county of Kings, the county of Richmond, and part of the county of Queens, and to provide for the government thereof', relative to the Department of Education, for the purpose of establishing a uniform salary schedule and providing funds therefor" — Approved

This bill is obscurely, or perhaps it would be better to say, clumsily drawn on one or two points. Its general purpose, however, is admirable, and the best educators,

the men most interested in seeing the public schools of the Greater New York put upon a thoroughly efficient basis and absolutely removed from the domain of politics, most earnestly favor the measure. After careful and prolonged consultation with the Attorney General's department, it seems evident that the argument advanced by Mayor Van Wyck in his veto as to the enormous addition in the expense is not well taken. The statements of the auditor of the school department, Mr. Cook, and of the other official experts most familiar with the facts, are that the increase of salaries provided for will practically only equal the amount asked for by the school board under the old AHEARN law, which law was rendered nugatory by the action of the board of estimate and apportionment. This action in turn plunged affairs into chaos and rendered legislation absolutely necessary, the present bill being drawn primarily merely to meet the pressing necessity created by this action and by the chaos into which it threw the schools. The Attorney General's department also says that the acknowledged intent of the legislature to limit the increment of increase of teachers' salaries between the minimum and maximum sums provided cannot be misunderstood and that in the judgment of that department no court would hold that such increment continued indefinitely. At the hearing before me not only the introducers of the various bills which were consolidated into this, but the representatives of the teachers explicitly stated that this was their understanding of the bill; that for instance such provisions as, in section 1091 providing for the forty dollar annual increment for female teachers is not to continue beyond the time specified in the portion of the section immediately preceding.

The general purpose of the bill is so good, the change so vitally necessary, and the provisions as a whole will tell so much for the betterment of the schools, that I deem it best to sign the bill. Unquestionably it will need amendment, and I shall call the matter specifically to the attention of the charter commission; but this commission can in my judgment deal better with the situation created by the enactment into law of this measure than with the situation as it now exists.

THEODORE ROOSEVELT

MEMORANDUM FILED WITH APPROVED ASSEMBLY BILLS NO. 704 AND NO. 705, PROVIDING FOR IMPROVEMENTS IN BEDFORD AND REMSEN AVENUES, BROOKLYN

STATE OF NEW YORK

Executive Chamber

Albany, May 4, 1900

Memorandum filed with Assembly bill printed No. 704, introduced by Mr. Remsen, entitled "An Act providing for the opening, extending, laying out and improving of Bedford Avenue, in the Borough of Brooklyn, in the City of New York" — Approved, and

Assembly bill printed No. 705, introduced by Mr. Remsen, entitled "An Act providing for the opening, laying out and improving of Remsen Avenue, in the Borough of Brooklyn, in the city of New York" — Approved

The case as regards these two bills is so peculiar that favorable action in reference to them seems necessary.

The equitable argument for them appears as strong as in the case of the bill already approved by the local authorities providing for the continuation of a street by bridge over the Harlem. In each case the circumstances are so unusual that a change must be made in the ordinary method of making assessments and the burden to a certain extent be borne by the city at large. The needs of the Borough of Brooklyn are so great that, where they are flagrantly disregarded by the local municipal authorities, in exceptional cases, an appeal must lie to the State Legislature. Such an appeal must not be made save in these exceptional cases where there has been flagrant injustice; but when this injustice is clearly shown it is the right of the Legislature to act.

THEODORE ROOSEVELT

MEMORANDUM FILED WITH APPROVED ASSEMBLY BILL NO. 2293, RELATING TO THE SOLDIERS AND SAILORS' HOME

STATE OF NEW YORK

Executive Chamber

Albany, May 4, 1900

Memorandum filed with Assembly bill printed No. 2293, entitled "An Act relating to the State Board of Charities and their control and management of the New York State Soldiers and Sailors' Home" — Approved

It has been the consistent policy of the Nation and State to differentiate in the sharpest manner between

old soldiers who are inmates of State Homes and other wards of the State. Veterans are cared for by the State in homes just exactly as other veterans or the same veterans are pensioned, this pension having no analogy to the poor law relief. The purpose of this bill is merely to emphasize this phase of the State's policy. It is in no sense a reflection upon the State Board of Charities. Under the opinion of the Attorney General herewith included, the bill does not in any way deprive the Board of its full right of inspection.

"Memorandum by the Attorney General respecting an act entitled "An Act relating to the State Board of Charities and their control and management of the New York State Soldiers and Sailors' Home," being Assembly bill introductory number 1661.

"This act provides as follows: 'The New York State Soldiers and Sailors' Home is hereby exempted from the *management and control* of the State Board of Charities and in respect to said institution said Board are hereafter only to exercise their constitutional right to *visit and inspect*.'

"Section 11, of Article VIII of the State Constitution provides as follows: 'The Legislature shall provide for a State Board of Charities which shall *visit and inspect* all institutions, whether state, county, municipal, incorporated or not incorporated, which are of a charitable, eleemosynary, correctional or reformatory character, * * *' Section 13 of said Article contains the following provision: 'Existing laws relating to institutions referred

to in the foregoing section and to their supervision and inspection, in so far as such laws are not inconsistent with the provisions of the Constitution, shall remain in force until amended or repealed by the Legislature'.

“The power of the State Board of Charities as to the visitation and inspection of charitable institutions, at the date of the adoption of the foregoing constitutional provisions, were defined by chapter 951 of the Laws of 1867, Chapter 571 of the Laws of 1873 and Chapter 661 of the Laws of 1878. It is sufficient to say that the powers conferred by these statutes are not materially different from those conferred upon them by the existing laws. It is a rule of construction applicable to constitutions as well as to statutes that the words employed are to be given the ordinary meaning and significance unless there is something in the context indicating a different intent. It is therefore necessary first to consider the meaning of the term ‘visit and inspect,’ as used in the constitutional provision above quoted. The word ‘inspect’ is defined as follows: ‘To view closely and critically; examine (a thing or place) in order to ascertain its quality or condition; especially to examine officially in order to make a formal report.’ (Century Dictionary.) The word ‘visit’ is defined as follows: ‘To go or come to see for the purpose of inspection, supervision, examination, correction of abuses, or the like; examine; inspect.’ (Century Dictionary.)

“It will thus be seen that the powers conferred by the Constitution upon the State Board of Charities are very broad and comprehensive. They include functions and powers many of which may be considered as coming

within the term 'management and control', used in the statute under consideration. In addition it must be taken into consideration that when the constitutional provisions above quoted were framed, the framers had in mind the fact that there then existed a State Board of Charities with powers of visitation and inspection defined by statute. In view of this fact it must be assumed that the framers of the Constitution intended to confer upon the State Board of Charities similar powers of visitation and inspection to those which it was then exercising. The Constitution having conferred upon the State Board of Charities the power of visitation and inspection, the Legislature is powerless to take from said Board any part of the power thus conferred. It is possible and indeed probable that the Legislature has the right to prescribe rules, regulations and methods of procedure for the exercise of these powers of inspection and visitation so long as such rules and regulations do not take away or detract from these powers; but beyond this the Legislature is powerless to interfere. If this act becomes a law, its effect will be merely to take from the Board of Charities such powers of management and control as they now possess, if any, not included in the power of visitation and inspection conferred upon it by the Constitution."

THEODORE ROOSEVELT

MEMORANDUM FILED WITH APPROVED SEN-
ATE BILL NO. 345, REGULATING THE COM-
PENSATION OF INTERPRETERS IN KINGS
COUNTY

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

*Memorandum filed with Senate bill No. 345, introduced by
Senator D. F. Davis, entitled "An Act to amend section
three hundred and sixty of the code of civil procedure"—
Approved*

This bill was transmitted to the Mayor of New York and vetoed by him, probably by mistake. It provides for an increase in the compensation of interpreters in the surrogate's and county court in the county of Kings. It is made a county charge and has no relation to the affairs of the government of the city. I do not consider that under this class it is a proper measure to go to the Mayor, and have therefore signed the same.

THEODORE ROOSEVELT

OMNIBUS VETO
LIST OF BILLS REMAINING UNSIGNED, WITH
REASONS

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Assembly bill No. 2409, introduced by Mr. W. J. Sullivan, entitled "An Act entitled An Act to amend chapter four hundred and forty-six of the laws of eighteen hundred and ninety-six entitled 'An Act to authorize electric light companies in towns or villages of this State to acquire real estate'"—Not approved

This bill is not approved, because the powers it confers are too vaguely defined. The original act which this bill seeks to amend, recognizes the caution which should be entertained in clothing electric light companies with the great powers of condemnation enjoyed by water companies, and therefore limited this right to the electric light companies of villages and towns only.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber,

Albany, May 5, 1900

Memorandum filed with Senate bill No. 368, introduced by Senator Ford, entitled "An Act to amend chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled 'An Act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York', relating to summary proceedings" — Not approved

This bill is not approved because it appears that the business interests affected by it are opposed to it, deeming that the change would result in increased expense, and especially at certain seasons in a great falling off in the efficiency of the service rendered.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Assembly bills, Nos. 647 and 813, introduced by Mr. Fallows, entitled "An Act to amend section nine hundred and seventy-seven of the code of civil procedure relating to the trial and issues of fact and law other than preferred cases" — Not approved; and "An Act to amend section seven hundred and ninety-one of the code of civil procedure, relating to preference among civil actions" — Not approved

Serious abuses were alleged especially in regard to the actions of one judge, and the existence of these abuses,

although not by any means to the extent alleged, was admitted; but it appears that the Appellate Division is already taking steps to correct them. It is to the highest degree undesirable that the legislature should take from the courts the power of determining their own calendar unless for the most incontrovertible reasons.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Assembly bill No. 2043, introduced by Mr. Trainor, entitled "An Act authorizing the board of estimate and apportionment of the city of New York to audit and allow and also authorizing the comptroller of the city of New York to pay to certain persons compensation for services actually rendered to the city of New York in the department of health in the years eighteen hundred and ninety-nine and nineteen hundred, prior to the classification and preparation of municipal civil service eligible lists for the position of anti-toxin accountant in said department" — Not approved

This bill relates to a remarkable case of violation of the rules, that the civil service reform association has followed for some time, and with which it has dealt in various ways. As a matter of fact, no such positions as those described existed at the time the men were put in the department as bookkeepers, and there kept in violation of the law. In

an examination for permanent appointment, one failed to get on the list and one was so low down that he could not be reached. They were still continued, however, no appointments being made from the list that was formed; and a month ago the special title now given was created for them — under circumstances that are about to be questioned in the courts. If these men, or in fact any others who are the proposed beneficiaries of these claim bills, have performed actual services for which they have not been paid, the new civil service law contains a special provision giving them the right to recover the amounts claimed from the officers who were responsible for their selection.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Senate bill No. 1076, introduced by Senator Thornton, entitled "An Act to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of George L. Gordon against the State for damages alleged to have been sustained by him and to render judgment therefor" — Not approved

This bill is not approved by the Attorney General.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Assembly bill No. 1954, introduced by Mr. Axtell, entitled "An act to amend the Fish, Forest and Game law relative to hooking coarsefish in Oulcut creek in Delaware county" — Not approved

This bill does not meet with the approval of the Fish, Forest and Game Commission.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Assembly bill No. 1756, introduced by Mr. Barnes, entitled "An Act to amend section one of chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-eight, entitled 'An Act to supply the village of Watkins with pure and wholesome water and to provide for the construction and maintenance of a system of sewers in said village'" — Not approved

This bill is wrongly numbered. It purports to amend section 1 of the act entitled "An Act to supply the village of Watkins with pure and wholesome water". It is section 10 that should have been amended. Senator WILLIS' bill on the same subject has already been signed.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Assembly bill No. 1776, introduced by Mr. J. L. Smith, entitled "An Act to amend the fish, forest and game law relative to services at forest fires" — Not approved

A similar bill introduced by Senator CHAHOON has been signed.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Assembly bill No. 1922, introduced by Mr. Phipps, entitled "An Act to amend the election law, and authorizing the town clerk to administer oaths to primary election officers" — Not approved

This bill is to authorize two clerks to administer oaths at primaries. This bill is unnecessary. There are always present notaries public or justices of the peace and there seems no necessity to have town clerks do the work of a notary public in this particular instance.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Senate bill No. 757, introduced by Senator Malby, entitled "An Act to amend the provisions of title five of the penal code relating to crimes against the elective franchise" — Not approved

This bill sought to amend the penal code in relation to crimes against electoral franchises. The object sought to be accomplished by this bill was apparently a good one but by a mistake either of the printer or in the drafting the practical effect of the bill should it become a law entirely supersedes section 41-T of the penal code, which relates to intimidation of voters. This would be a great step backwards and a wrong to the people of the State which could not for an instant be tolerated.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Senate bill No. 1301, introduced by Senator Ellsworth, entitled "An Act to amend section three hundred and thirty-seven-D of the penal code relating to trials for keeping slot machines" — Not approved

It is doubtful whether this bill will conserve the interest it was intended to conserve. A palpable error was made

in the drafting of this bill; therefore it cannot receive Executive approval.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Assembly bill No. 1022, introduced by Mr. Rogers, entitled "An Act to amend the liquor tax law, relative to the sale of liquor on election days" — Not approved

This bill is to amend the liquor tax law relative to the sale of liquor on election days. It provides "except that the prohibition of this subdivision does not apply as against the holder of a liquor tax certificate at an election in cities of the third class where only tax payers or property owners or both are voters, not to an election in cities of the third class for city officers not required by law to be elected at a general city election". The general provision of the statute prohibiting the sale of liquor upon general election days is one which has met with the approval of all people in this State; and no exception should be made save for unanswerable reasons.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Assembly bill No. 2145, introduced by Mr. Cook, entitled "An Act to amend the village law relating to licensing hawkers and peddlers" — Not approved

This is a bill relative to the licensing of hawkers and peddlers, and while it permits the sale of fish, meats and farm fruits, it includes the words "other than oranges, lemons and bananas". There is no reason why a vendor should be permitted to peddle apples or cherries and not be allowed to peddle oranges, lemons or bananas.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Assembly bill No. 2352, introduced by Mr. Sage, entitled "An Act to legalize the official acts of certain justices of the peace and authorizing them to execute and file official bonds, et cetera" — Not approved

There is a general law upon this subject, and there is no need of a special act.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Assembly bill No. 1316, introduced by Mr. Litchard, entitled "An Act to provide for the erection of a monument to the memory of Major Peter Keenan in the cemetery at Scio, Allegany county and making an appropriation therefor" — Not approved

It would be eminently proper to put up a monument to gallant Major KEENAN by private subscription; but the State should exercise great caution in thus singling out one officer above all others. Representations have already been made to me on behalf of scores of New York officers (and Major KEENAN was a Pennsylvania officer) whose friends desire that they should receive monuments as proposed to be erected to Major KEENAN. If the State is to erect monuments to individual officers or soldiers, it should be done on the recommendation of some proper tribunal, which would consider the comparative merits and services of the different individuals. Otherwise, men of gallantry, but of less distinguished service, would be preferred to such men as SHERIDAN and CUSHING. The only way to avoid this type of injustice would be to have some authoritative tribunal make a report on the matter.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Assembly bill No. 544, introduced by Mr. Stevens, entitled "An Act fixing the expenses of trials or proceedings in the courts of the State for felonies and misdemeanors committed on Indian reservations" — Not approved

It is the general policy of the State for localities to pay expenses of criminal prosecutions. This bill is protested against by the district attorney of Cattaraugus county in which there is the largest Indian reservation.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Assembly bill No. 1986, introduced by Mr. Rodenbeck, entitled "An Act to amend section two hundred and sixty-one of chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-eight, entitled 'An Act for the government of cities in the second class' as amended by chapter five hundred and eighty-one of the laws of eighteen hundred and ninety-one" — Not approved

A bill completely covering this subject has been signed.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Assembly bill No. 1723, introduced by Mr. Coughtry, entitled "An Act to amend chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-eight, entitled 'An Act for the government of cities of the second class' relative to the funded indebtedness of such cities, et cetera" — Not approved

A bill completely covering this subject has already been signed.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Senate bill No. 206, introduced by Senator Coggeshall, entitled "An Act to confer jurisdiction upon the court of claims to re-hear, audit and determine the alleged claims of Charles E. Linkie and Carrie V. Linkie against the State for damages alleged to have been sustained by them and to render judgment therefor" — Not approved

This bill is strongly opposed by the Attorney General.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Senate bill No. 689, introduced by Senator Chahoon, entitled "An Act to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of Morgan Van Gorder against the State for damages alleged to have been sustained by him, and to render judgment therefor" — Not approved

This bill is strongly opposed by the Attorney General.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Senate bill No. 1045, introduced by Senator George A. Davis, entitled "An Act to amend title two of chapter three of part four of the revised statutes relating to state prisons, as amended and superseded by chapter three hundred eighty-two of the laws of eighteen hundred eighty-nine and as amended by chapter four hundred twenty-nine of the laws of eighteen hundred and ninety-six" — Not approved

I withhold my signature from this bill because it is in reality a bill against the interest of the State and simply in the interest of a single firm of school furniture manu-

facturers, which is itself alleged to be in the furniture trust.

The present system of the control of convict labor in this State has been recommended within ten days by the National Industrial Commission at Washington in its report to Congress as the system which should be followed in its general outlines in the other States in this country. This New York system which is thus recommended for adoption by the other States is in its essence one forbidding the sale of prison made goods in the open market in competition with free labor, doing away with the contract system and competition in market prices, and limiting the use of the products of prison labor to the institutions of the State itself. An extraordinary feature of the results achieved in consequence of this system has been the steady falling off in the number of convicts in our prisons since the abolition of contract labor. Thus since 1895 there has been a falling off of nearly 2800 in the total number of prisoners in the penitentiaries and State prisons of New York. Moreover in the three State prisons during the same period there has been a decrease in the number of insanity cases.

The same Constitution which abolished the contract labor system also provided that the legislature should by law provide for the employment of prisoners in work for the State and its public institutions and for any political division of the State and any public institutions of such political division. In other words the State aimed both to do away with the convict contract system and with all competition by convict labor in the open market with free labor and at the same time to provide proper product-

ive work for the convicts. It is unnecessary to point out how vital it is both for the sake of their minds and their bodies that the convicts should be employed at some kind of productive labor. This bill proposes, in the interest of one firm of manufacturers — itself, as I have pointed out, a member of the great furniture trust — to upset the system provided but five years ago through the adoption of the State Constitution. Of course if it is right to prohibit a desk being manufactured in the interest of one firm, then it is right, in the interest of other firms, to prohibit the manufacture of cotton cloth, shoes, brooms, socks, etc., etc. It is impossible to defend this bill except on the ground that it is intended to be followed by similar bills abolishing all other productive industries on which the prisoners are now employed for the State; for it is unnecessary to point out that to abolish any one industry in the prisons simply tends to throw more men into the other industries, and therefore to make greater competition with these other industries. It is evident therefore that the present bill is indefensible. The Prison Commission may limit the number of men employed on any one industry, and if there is any complaint as to any industry, it is merely necessary to bring it to my attention and I will see that it is at once thoroughly examined and any wrong remedied. If the furniture furnished the schools is unsatisfactory either in quality or price, the proper authorities need only to call my attention to the matter. But to leave the prisoners all in idleness would inevitably in the end produce such a reaction as to bring us back to the old system which has been abolished by the present Constitution.

It may well be that too much machinery is used in the prisons for the purpose of increasing production. If so, legislative action to remedy the evil would be eminently proper. The people of the State do not expect to make profits by running prison factories, and it is well worth while for our legislature seriously to consider the Pennsylvania law of 1897 which provides that in certain public institutions of the State only foot or hand power machinery shall be used.

I will gladly co-operate in any legitimate movement to lessen such competition with free labor and to supplement the admirable work already done, which has completely put a stop to that kind of competition which resulted in cutting prices in the open market. But we cannot afford to prohibit the employment of the convicts at productive labor of some kind, and therefore it is to the last degree unwise and improper to pass a law to favor some particular employment, thus in effect discriminating against all other classes of labor, and entering upon a course of State action which if consistently followed would either result in the prisoners being kept in absolute idleness or else would work a revolution of feeling that would tend to reinstate the very system which we have with such infinite pains abolished.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Assembly bill No. 2069, introduced by Mr. Green, entitled "An Act authorizing the board of estimate and apportionment of the city of New York to audit and allow and also authorizing the comptroller of the city of New York to pay to certain persons compensation for services actually rendered to the city of New York in the municipal courts of the city of New York, as attendants and stenographers in the year eighteen hundred and ninety-one pending the preparation of municipal civil service eligible lists for the position of attendants and stenographers" — Not approved

The bill proposes to pay for the services of seven attendants, one stenographer, and one interpreter employed in the municipal courts from August 11, 1899, to January 1, 1900, "pending the preparation by the municipal civil service commission of eligible lists for the positions in question". The quoted words are misleading. For the more numerous of these classes — attendants — a list containing 217 names was published on July 17; for the position of court stenographer a list containing 26 names had been published on May 16; and a list for interpreter was published very shortly afterward, on September 27. Regular appointments might have been made from each of these lists. Such appointments were not made, however, the persons named in this bill being continued in violation of the law, and in spite of repeated protests. The civil service commission declined to permit the payment of their salaries. This effort virtually to set aside the law in their favor, is the result.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Assembly bill No. 1369, introduced by Mr. Larzelere, entitled "An Act to amend part one, article four, of chapter twenty of the laws of nineteen hundred, entitled 'An Act for the protection of the forests, fish and game of the State, constituting chapter thirty-one of the general laws, so as to allow the forest, fish and game commission to prescribe rules and regulations for catching bull heads, suckers, mullet and carp in certain waters in Seneca county' — Not approved

This bill does not meet with the approval of the Fish, Forest and Game Commission.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Assembly bill No. 558, introduced by Mr. Ellis, entitled "An Act to amend the public health law and the acts amendatory thereof, relative to the practice of veterinary medicine" — Not approved

This bill is disapproved by the educational authorities of the State and is a distinction against our State veterinary institutions.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Assembly bill No. 2099, introduced by Mr. Darrison, entitled "An Act to amend the code of criminal procedure, in relation to the prosecution of an undertaking given by an Indian" — Not approved

This bill as drawn is entirely improper inasmuch as a whole line has been left out of the printed bill.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Senate bill No. 1329, introduced by Senator Munzinger, entitled "An Act authorizing the board of estimate and apportionment of the city of New York to audit and allow, and also authorizing the comptroller of the city of New York to pay to Joseph H. Garvey compensation for services actually rendered to the city of New York in the department of public charities in the year eighteen hundred and ninety-one pending the preparation of municipal civil service lists for the position of superintendent of Bellevue Hospital Dispensary" — Not approved

This bill provides for the payment of the claim for salary of JOSEPH H. GARVEY who was appointed during the year

1899 in the Department of Charities to the so-called position of Superintendent of Bellevue Hospital Dispensary. GARVEY was appointed to the position in question without certification by the civil service commission, while various appropriate lists existed from which an appointment might have been made. Payment for his services was refused by both the Commission and the Comptroller on that ground, after the various temporary appointments existing at the time the new rules were framed were vacated.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Assembly bill No. 1971, introduced by Mr. Guider, entitled "An Act to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of heirs, executors and administrators of Margaret C. Considine deceased" — Not approved

This is an act to allow the court of claims to pass upon the claim of MARGARET CONSIDINE for damages alleged to have been sustained by reason of the cancellation of her license for a saloon. The cancellation of these certificates is made by the court and large numbers of these cancellations are continually being made. To allow an appeal to each one of the persons who feel aggrieved by such cancellation would be practically opening the door to hundreds of claims whose cases have already been passed upon by the court.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Senate bill No. 1118, introduced by Senator Graney, entitled "An Act to prevent disturbance of religious camp meetings" — Not approved

This bill is to prevent the disturbance of religious camp meetings. Its purpose is excellent; but it is so broadly drawn that it would interfere with legitimate business if it became a law; as drawn it is apparently unconstitutional; and in any event it would take effect only after the camp meeting season is practically over, so that the matter can best be left to be taken up next year with greater care.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Senate bill No. 787, introduced by Senator Norton, entitled "An Act to amend chapter five hundred and forty-seven of the laws of eighteen hundred and ninety-six, entitled 'An Act relating to real property, constituting chapter forty-six of the general laws', relative to authentication by county clerks" — Not approved

A bill of similar character has already become a law during the present year.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Senate bill No. 763, introduced by Senator Ford, entitled "An Act to amend the tax law in relation to the taxation of public franchises as real property" — Not approved

This bill is not now favored by the introducer, and the State Board of Assessors has not yet decided that it would be a wise measure.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Senate bill No. 1315, introduced by Senator Ford, entitled "An Act to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of Martin F. Monahan, and fourteen others against the State" — Not approved

This bill is not approved by the Attorney General.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Assembly bill No. 1909, introduced by Mr. Marson, entitled "An Act to amend chapter nine hundred and eight of the laws of eighteen hundred and ninety-six known as the tax law in relation to fees of tax collectors" — Not approved

This bill intends to amend the tax law in relation to fees of collectors and provides that the collector shall be entitled to receive from the county treasurer two per centum as fees for all taxes assessed as non-resident, returned to the county treasurer as unpaid. By far the largest amount of unpaid taxes are from those who are residents of the county. Should this bill become a law the collector would receive no percentage whatever for the return of unpaid taxes from the residents of the county. This provision is manifestly unjust and should not receive Executive approval.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Assembly bill No. 1539, introduced by Mr. Metzler, entitled "An Act to amend the penal code, relating to loan, use or sale of personal credit security taking usury" — Not approved

This bill was intended to be a step in the right direction, but was made too broad. If this bill had provided against

usurious loan on money advances for labor "to be performed" there could have been no objection to the bill, but as the bill is drawn, it is for "labor which has already been performed, or to be performed".

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Senate bill No. 1342, introduced by Senator Elsberg, entitled "An Act to provide for the supply of teachers in the city of New York" — Not approved

This bill was disapproved by the department of education.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Senate bill No. 681, introduced by Senator Plunkitt, entitled "An Act regulating and restraining the practice of midwifery in the city of New York by others than legally authorized physicians" — Not approved

This bill was disapproved by the Medical Societies.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Assembly bill No. 1002, introduced by Mr. Wissel, entitled "An Act authorizing the board of estimate and apportionment of the city of New York to pay to certain persons, compensation for services actually rendered to the city of New York in the department of finance and in the city magistrate's court in the year eighteen hundred and ninety-nine" — Not approved

This bill proposes to permit payments to C. J. DILLON, a clerk in the Finance Department, and to J. H. EATJEN and HERBERT S. HARVEY as assistant clerks in the city magistrate's courts, the civil service commission having refused to audit the salaries of both these persons. In this case the claim is not even made that eligible lists did not exist.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Assembly bill No. 1279, introduced by Mr. Trainor, entitled "An Act conferring jurisdiction upon the court of claims to hear, audit and determine the claim of Frank Fleck against the State of New York, and to make an award therefor" — Not approved

This bill is opposed by the Attorney General. The claim itself is now pending in the court.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Assembly bill No. 1974, introduced by Mr. Miller, entitled "An Act to confer jurisdiction upon the court of claims to hear, audit and determine the claims of owners of lands actually used for spoil banks in the work of improving the western division of the Erie canal, done pursuant to chapter seventy-nine of the laws of New York, passed in eighteen hundred and ninety-five, and chapter seven hundred and ninety-four of the laws of New York passed in eighteen hundred and ninety-six, and to render judgment therefor" — Not approved

The court of claims already has jurisdiction to act upon this case under the canal act, and a special act is not needed.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Assembly bill No. 2237, introduced by Mr. W. J. Sullivan, entitled "An Act to authorize the adjutant general of the State of New York to award a long service medal for service in the National Guard to George T. Hollingworth of the city of Utica" — Not approved

If this bill becomes a law the number of those seeking such medals for service would be enormous. It would be

an exceedingly bad precedent; and no reason whatever has been shown why this particular individual is singled out above all others.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Assembly bill No. 1843, introduced by Mr. Doughty, entitled "An Act to amend section one of chapter sixty-two of the laws of eighteen hundred and ninety-seven, entitled 'An Act to authorize the appointment of a county detective in counties of more than one hundred and twenty-five thousand inhabitants and to fix the compensation of such detective' "— *Not approved*

A bill similar to this has already been signed.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Assembly bill No. 1937, introduced by Mr. Fowler, entitled "An Act to amend chapter two hundred and seventy-nine of the laws of eighteen hundred and eighty-seven, entitled 'An Act to establish and define the territory and boundaries of the union free school district of the city of Jamestown and to regulate the supervision and control of said district' "— *Not approved*

This bill provides that the board of education may designate certain holidays when schools may be closed. While

it might be well to have a general law to such effect, special legislation in a single case would be of very doubtful policy.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Assembly bill No. 1618, introduced by Mr. Burnett, entitled "An Act to amend the forest, fish and game law relative to the use of set lines in Canandaigua and Honeoye lakes and the taking of certain fish by spears in the inlets of Canandaigua lake" — Not approved

This bill is not approved by the Fish, Forest and Game Commission.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Assembly bill No. 2366, introduced by Mr. Roche, entitled "An Act to amend section seven hundred and ninety-one of the code of civil procedure relating to preference among civil actions" — Not approved

This bill amends section 791 of the code of civil procedure relating to preference among civil actions. It seeks

to make a person who is a non-resident of the State a sole defendant, or where the defendant is so aged or infirm that there is a reasonable probability that the action cannot be reached for trial and tried without a preference on the calendar. There are already many preferred cases and if this bill were to become a law, it would only open the way for hundreds of similar cases.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Assembly bill No. 1370 introduced by Mr. O'Connor, entitled "An Act to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of Michael O'Keefe against the State of New York for damages alleged to have been sustained while in the employ of the State" — Not approved

This bill is very strongly opposed by the Attorney General.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Senate bill No. 1027, introduced by Senator Wilcox, entitled "An Act to amend an act entitled 'An Act to amend and consolidate the charter of the village of Waterloo, Seneca county, New York' "— Not approved

This bill is fatally defective as drawn.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Senate bill No. 1403, introduced by Senator Brown, entitled "An Act to amend the forest, fish and game law relative to fishing in Chautauqua lake "— Not approved

A bill similar to this in every respect introduced by Mr. FOWLER has been signed and become a law.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Senate bill No. 1058, introduced by Senator White, entitled "An Act to permit examination of dental students engaged in the study of dentistry under private preceptorship on May 12, eighteen hundred and ninety-two, who failed to file the certificate required by chapter five hundred and twenty-eight of the laws of eighteen hundred and ninety-two under the same conditions as if such certificate had been filed" —Not approved

This bill is disapproved by the State Dental Society.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Senate bill No. 1084, introduced by Senator White, entitled "An Act to amend the fish, forest and game law relative to fishing in Skaneateles lake" — Not approved

This bill is disapproved by the Fish, Forest and Game Commission.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Assembly bill No. 2061, introduced by Mr. Ryttenberg, entitled "An Act to authorize and direct the clerk of the court of appeals to file the regents' certificate of B. Benjamin Schiff nunc pro tunc as of the twenty-sixth day of February eighteen hundred and ninety-eight" —Not approved

The Court of Appeals now has the power to do, upon application, what this bill provides.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Assembly bill No. 645, introduced by Mr. Babcock, entitled "An Act to provide for the appointment of a purchasing committee of the board of supervisors of the county of St. Lawrence and to prescribe its duties" —Not approved

Jefferson and St. Lawrence have a bill like this which has been already signed.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

Memorandum filed with Assembly bill No. 1938, introduced by Mr. McKeown, entitled "An Act to amend chapter seven hundred and nineteen of the laws of eighteen hundred and ninety-four entitled 'An Act to incorporate the Tidal Water-Way Company and to define its rights, powers and privileges' " — Not approved

This is a bill which passed without the knowledge or consent of the Tidal Water-Way Company and sought to incorporate certain persons who were unknown to the original incorporators of the company with the avowed purpose of securing a majority of the stockholders. This is most vicious legislation.

THEODORE ROOSEVELT

STATE OF NEW YORK

Executive Chamber

Albany, May 5, 1900

The following bills did not receive Executive approval because they were vetoed by the Mayor of the city of New York:

- S. 122. Release of Missionary Society of the Most Holy Redeemer from certain assessments.
- S. 180. Relative to railroads on Atlantic Avenue.
- S. 197. Relief of Adolph S. Wasserman.

- S. 282. Relative to headquarters for Williamsburgh Volunteer Fireman Association.
- S. 368. Consolidation Act, relative to summary proceedings.
- S. 394. Amend charter relative to certain wharf property.
- S. 454. Amend charter relative to buildings.
- S. 476. Relief of Woodside Water Company.
- S. 765. Relief of Patrick O'Connor.
- S. 828. Release of Methodist Episcopal Church Home from assessments.
- S. 849. Amend charter relative to marshals.
- S. 894. Amend charter, justices of municipal court.
- S. 964. Site and buildings New York City College.
- S. 968. Relief of James A. Dourigan.
- S. 1054. Bridge over East River at Blackwell's Island.
- S. 1092. Relief of John Guiman.
- S. 1133. Appointment of Solomon Cohen as policeman.
- S. 1185. Amend charter relative to police department.
- S. 1201. Amend charter relative to relief fund, fire department.
- S. 1205. Acquisition of Water rights, Ward's Island.
- S. 1212. Relief of Patrick M. McCarthy.
- S. 1261. Relief of Robert Clifford and John J. Sachs, and Henry Foster.
- S. 1323. Amending consolidation act, Court of General Sessions.
- S. 1328. Issue of corporate stock for improvement of water front.
- S. 1330. Abolition of grade crossings.
- S. 1343. Bridge across Jerome Park Reservoir.
- S. 1442. Amending charter relative to qualifications of patrolmen.

- S. 1482. Relief of Charles Flood.
- A. 204. Relief of Eugene Thompson.
- A. 250. Exemption of Missionary Society of Most Holy Redeemer.
- A. 251. Exemption of St. Joseph's Asylum.
- A. 295. Railroads on Ashland Place, Brooklyn.
- A. 671. Repeal chapter 909, Laws 1896, nuisances about Newtown Creek.
- A. 769. Interest on certain assessments, Brooklyn.
- A. 1002. Payment of clerks in finance department and magistrate's courts.
- A. 1043. Relief of Edward P. McCann.
- A. 1079. Park in 12th Ward.
- A. 1198. Consolidation Act relative to court attendants.
- A. 1220. Relief of Charles Smith.
- A. 1242. Relief of Richard Dillon.
- A. 1443. Amend charter relative to designation of newspapers for publication of corporate notices.
- A. 1480. Relief of Edward Lynch.
- A. 1530. Removal of Kings County Penitentiary.
- A. 1579. Relief of Thomas P. Wilson.
- A. 1531. Relief of Frederick Hegaman.
- A. 1666. Amending charter relative to removal of garbage and night soil.
- A. 1685. Relief of Michael McGrath.
- A. 1691. Relief of Robert J. Kennedy.
- A. 1693. Relating to taxation in Queens and Nassau.
- A. 1694. Grading Atlantic Avenue; new lots.
- A. 1773. Amend charter relative to taxes, foreign insurance corporations.
- A. 1799. Relief of James Fitzgibbons.
- A. 1804. Relief of James Griffin.

- A. 1824. Relief of Matthew T. Murphy.
- A. 1800. Relief of John Fitzgibbon.
- A. 1911. Relief of Rudolph Newschaffer.
- A. 1935. Taxation in Queens borough.
- A. 2008. Fulton Market Fishmongers' Association.
- A. 2032. Relief of Michael J. Clifford.
- A. 2051. Amend charter relative to education department.
- A. 2058. Relief of William Newsam.
- A. 2066. Commission to revise laws relative to municipal court.
- A. 2069. Comptroller to pay certain persons in municipal court.
- A. 2081. Relief of Charles Jacobs.
- A. 2088. Asphaltng streets near schools, hospitals, etc.
- A. 2142. Assessments on Prospect Avenue, former town of Flatbush.
- A. 2187. Construction of conveyances, contracts and instrument, relative to assessments.
- A. 2202. Relief of Thomas Cassidy.
- A. 2204. Relief of James J. Enright.
- A. 2208. Relief of John J. Meagher.
- A. 2211. Relief of Patrick Bohan.
- A. 2272. Legalizing appointments by fire commissioners of Brooklyn and Long Island City.
- A. 2307. Relief of William C. Scholes.
- A. 2312. Relief of Frank Bolles.
- A. 2313. Relief of Patrick J. Mitchel.
- A. 2315. Relief of Samuel Munson.
- A. 2316. Amend charter relative to ambulances.
- A. 2371. Relief of George T. Cratz.
- A. 2376. Relief of Christopher C. Quinn.

- A. 2377. Hospital for treatment of tuberculosis.
- A. 2379. Relief of George S. J. Wheeler, William J. Dunn and Charles A. Flannagen.
- A. 2429. Relief of William Strauss.
- A. 2436. Amend charter relative to salary of Justices of Municipal Court.
- A. 777. Adjusting assessments of the Jamaica and Brooklyn Plank Road.
- A. 954. Cultivation of trees in streets.
- A. 1015. Relief of David J. Curley.
- A. 1104. Relief of Stephen Darcy.
- A. 1324. Abolishing office commissioner of jurors and special commissioner of jurors in Kings County.
- A. 1339. Cooper Union, release from assessment.
- A. 1387. Amend charter relative to selecting city magistrates.
- A. 1524. Separate department of elections.
- A. 1692. Relief of Charles Striebel.
- A. 1688. Relief of Edward J. Barrett.
- A. 1770. Amend charter relative to undertaking on appeal in abandonment proceedings.
- A. 1795. Relative to parks.
- A. 2195. Pay of commissioners in condemnation proceedings.
- S. 147. St. Joseph's Asylum exemption from assessment.
- S. 311. New York University, exemption from assessments and water rates.
- S. 443. House of Good Shepherd, cancellation of assessments heretofore made.
- S. 521. Relief of George Curtis DuBois.
- S. 625. Amend charter relative to powers of park commissioners.

- S. 978. Making county clerk's office of Kings county a salaried office.
- S. 979. Making office of registrar of Kings county a salaried office.
- S. 993. Making the office of sheriff of Kings county a salaried office.
- S. 1037. Providing for the erection of a city prison, 3rd district, city magistrate's court, and county jail.

The following bills were not approved by the Mayors of the cities to which they were respectively referred:

- A. 2437. Relief of John J. McGraw. Albany.
- A. 1042. Annexing territory within the limits of the city of Watervliet to the town of Green Island.
- A. 1155. Restoring territory within the limits of the city of Watervliet to the village of Green Island.

The following bills are not approved for the reasons that they are not considered necessary; or opposed to public policy:

- A. 1596. Relative to costs in actions.
- A. 2442. Exemption of Young Men's Hebrew Association from taxation.

The following bill did not receive Executive approval because there was no return to the Executive Department of any action taken by the mayor of the city to which it was referred:

- A. 1043. For the relief of Edward P. McCann.

THEODORE ROOSEVELT

APPOINTMENT OF AN EXTRAORDINARY
TRIAL TERM AT SYRACUSE, JUSTICE WIL-
MOT M. SMITH TO PRESIDE.

STATE OF NEW YORK

Executive Chamber

It appearing to my satisfaction that the public interest requires it;

THEREFORE In accordance with the statute in such case made and provided I do hereby appoint an Extraordinary Trial Term of the Supreme Court to be held at the court house in the city of Syracuse and county of Onondaga on Thursday the thirty-first day of May next at ten o'clock in the forenoon of that day and to continue so long as may be necessary for the disposal of the business which may be brought before it; and I do hereby designate the

Honorable WILMOT M. SMITH

of Patchogue who is a justice of the Supreme Court of the Second Judicial District to hold the said Extraordinary Trial Term as hereinbefore described; and I do further direct that notice of such appointment be given by publication of this order once in each week for three successive weeks in the *Syracuse Post-Standard* and the *Syracuse Journal* newspapers published in Onondaga county.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany this
[L s] seventh day of May in the year of our Lord nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

DESIGNATION OF JUSTICE HOUGHTON TO
THE TRIAL TERM AT CANANDAIGUA

STATE OF NEW YORK

Executive Chamber

WHEREAS the adjourned term of the trial court of the Supreme Court appointed to be held at the court-house in the village of Canandaigua on the seventh day of May, instant, is in danger of failing through the inability by reason of other engagements of the Honorable GEORGE F. LYON to hold the said adjourned term of said court;

NOW THEREFORE In accordance with the statute in such case made and provided I do hereby designate and appoint the

Honorable JAMES W. HOUGHTON

of Saratoga Springs who is a justice of the Supreme Court for the Third Judicial District to hold the said adjourned trial term of the Supreme Court at the village of Canandaigua in the county of Ontario on the twenty-eighth day of May nineteen hundred in the place of the Honorable GEORGE F. LYON.

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this

[L. s.] sixteenth day of May in the year of our Lord
nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

MATTER OF KEARNEY, NOTARY PUBLIC — NO-
TICE AND SUMMONS

STATE OF NEW YORK

Executive Chamber

*In the Matter of the Charges preferred against John F. Kear-
ney a notary public in and for the county of New York*

To JOHN F. KEARNEY, New York City.

You are hereby required to appear before the Honorable WILLIAM J. YOUNGS, who has been designated by me to take the testimony in the above entitled case at the Fifth Avenue Hotel in the city of New York on Friday the twenty-fifth day of May instant at ten o'clock in the forenoon of that day, when the testimony against you will be presented and you will have an opportunity also to present such testimony as you may desire in refutation of the charges made against you.

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L s] twenty-second day of May in the year of our
Lord nineteen hundred.

THEODORE ROOSEVELT

ATTEST:

T. NEWCOMB,

Appointment Clerk.

MATTER OF HULETT, SHERIFF OF WASHINGTON COUNTY — APPOINTMENT OF A COMMISSIONER

STATE OF NEW YORK

Executive Chamber

*In the Matter of the Charges preferred against John M. Hulett
the sheriff of the county of Washington*

Charges having been preferred against JOHN M. HULETT the sheriff of the county of Washington by JOHN G. SMART of the village of Cambridge in the said county of Washington and a copy thereof having been served upon the said sheriff with notice to show cause why he should not be removed from such office and the said JOHN M. HULETT having filed his answer making general denial to the charges preferred therein;

I do hereby appoint CHARLES E. PALMER of Schenectady in the county of Schenectady the commissioner to take testimony and the examination of witnesses as to the truth of said charges and to report the same to me and also the material facts which he may deem to be established by the evidence; and

It is hereby ordered that the Attorney General of the State of New York conduct the inquiry and examination in the prosecution of the said charges; and

It is hereby further ordered that the said examination

before such commissioner proceed with all convenient speed.

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L s] fifth day of June in the year of our Lord nine-
teen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

MATTER OF KEARNEY, NOTARY PUBLIC—
DECISION AND OPINION

STATE OF NEW YORK

Executive Chamber

Albany, June 12, 1900

In the Matter of the Charges preferred against John F. Kearney, notary public, by Seigbert G. Lewin — Decision and opinion

From the testimony it appears that the accused clearly violated the statute in charging more than the legal fees for notarial services rendered by him; but there were extenuating circumstances which must be considered. The complainant appeared long after what are generally accepted as business hours, and was persistent and insistent in securing the services of the accused, who was then in bed, and who at some personal discomfort complied with the request that he appear in his official capacity. The testimony of the complainant really shows that he was

embarrassed at not being able to find a notary at that hour of the evening, and it was a very considerable accommodation to him when KEARNEY verified the papers presented. The average man would have been grateful to KEARNEY under the circumstances. This condition of affairs, however, did not warrant KEARNEY in demanding anything in excess of the legal fee. His excuse that his wife was entitled to compensation for hunting up and bringing an erasing rubber is not a good one. A notary must not charge more than the law allows. He must verify papers and attach his certificate — that is what the fee is for — and he cannot properly charge for filling out the certificate. Even if he should go out of his office, he must not exact compensation therefor except by agreement. He may decline to act out of ordinary business hours; he may refuse to get out of bed; he may not be compelled to go away from his place of business to act as a notary. But when once acting as a notary he can charge his legal fee and no more. Any compensation for loss of time, clerical service or personal inconvenience must be based upon a contract made and clearly understood before the service is rendered.

Under the circumstances as they appear from the testimony and the report of the commissioner, I do not feel warranted in depriving the accused of his office of notary public, but hereby reprimand him for not having made himself more familiar with the statute regulating fees. Complainant has a remedy at law for the recovery of any moneys paid by him in excess of the fee fixed by statute. (Executive Law, § 85.) I have no authority to order restitution.

THEODORE ROOSEVELT

PUBLIC HEALTH—ORDER EXTENDING THE
ORDER TO ABATE NUISANCE, MATTER OF
EASTERN PAVING BRICK COMPANY AT
CATSKILL

STATE OF NEW YORK

Executive Chamber

WHEREAS an order was issued by me of date July 29 1899, based upon the report of the State Board of Health directing that the Eastern Paving Brick Company at Catskill abate certain nuisances reported by said State Board of Health to exist in or near the village of Catskill, and

WHEREAS the said Eastern Paving Brick Company having made the request that such order be further temporarily suspended, and that a further investigation be made by the State Board of Health as to the status of such Company and the nuisances reported to be maintained by it;

NOW THEREFORE it is hereby ordered, and I do direct the sheriff of the county of Greene to suspend the enforcement of my said order of date July 29 above referred to, for the time being and until further notification from me that the same be enforced.

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L S] twenty-ninth day of June in the year of our
Lord nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

MATTER OF COMPTROLLER BIRD S. COLER —
ORDER DISMISSING CHARGES

STATE OF NEW YORK

Executive Chamber

Albany, July 11, 1900

In the Matter of the Charges against Bird S. Coler, Comptroller of the city of New York

One JACOB MACK having heretofore preferred charges against BIRD S. COLER, comptroller of the city of New York, the matter was immediately referred by me to the Attorney General for investigation as to what further action should be had. The Attorney General has handed me a brief of which the following is a copy:

“TO THE HONORABLE, THE GOVERNOR.

SIR: With reference to the charges filed with you by JACOB MACK against BIRD S. COLER, comptroller of the city of New York, and by you referred to me for investigation, I have the honor to submit the following:

I have carefully examined the evidence presented by the petitioner in support of the charges, and also the records and papers on file in the comptroller's office, bearing upon the transactions complained of.

I find that the facts forming the principal basis of these charges have already been the subject of judicial investigation, in the case of *Trowbridge v. The City of New York*, reported in 24 Misc. Rep. 517. In that case Justice COHEN wrote a very able and exhaustive opinion reaching

the conclusion that the action of the comptroller which is now the subject of complaint was legal and proper; and it would seem that his conclusions ought to be decisive of the questions here presented.

However, independent of this decision my own investigation leads me to the conclusion that the charges are entirely without foundation and I would therefore recommend their immediate dismissal.

Respectfully,

J. C. DAVIES,

Attorney General

In addition to the information given me by the Attorney General, I have also caused examination to be made into these charges and the report made of this separate examination coincides with the opinion which the Attorney General has rendered.

Therefore, after hearing the said opinions and due deliberation having been had thereon,

IT IS ORDERED that the charges filed with me by JACOB MACK against BIRD S. COLER, comptroller of the city of New York, be and they are hereby dismissed.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany this
[L s] eleventh day of July in the year of our Lord nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

MATTER OF JUDGE RUFUS B. COWING —
ORDER DISMISSING CHARGES

STATE OF NEW YORK

Executive Chamber

Albany, July 11, 1900

*In the Matter of the Charges against the Honorable Rufus B.
Cowing, City Judge of the city of New York*

One ERNEST BOHM and others having preferred charges against the Hon. RUFUS B. COWING, City Judge of the City of New York, the matter was immediately referred by me to the Attorney General. The Attorney General has handed me the following opinion.

THE HONORABLE, THE GOVERNOR.

SIR: I have received and examined the letter addressed to you by ERNEST BOHM, Corresponding Secretary of the Central Federated Union, making certain charges against Hon. RUFUS B. COWING, City Judge of the City of New York.

In my opinion you have no jurisdiction or authority to entertain any charges against the City Judge or to institute or prosecute any proceedings against him for misconduct in office, such jurisdiction being solely vested in the court for the trial of impeachments.

Yours respectfully,

J. C. DAVIES,
Attorney General".

Therefore, after carefully reading the opinion of the Attorney General and due deliberation thereon,

IT IS ORDERED that the charges preferred by ERNEST BOHM and others against the Honorable RUFUS B. COWING, City Judge of the City of New York, be and same are hereby dismissed.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany this
[L S] eleventh day of July in the year of our Lord nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

MATTER OF ASA BIRD GARDINER, DISTRICT ATTORNEY—ORDER DISMISSING CHARGES, AND OPINION

STATE OF NEW YORK

Executive Chamber

In the Matter of the Charges preferred against Asa Bird Gardiner the district attorney of the county of New York—Order dismissing charges, and Opinion

Charges of misfeasance, malfeasance and neglect of duty in office having heretofore been preferred by THOMAS R. SLICER, F. DEWITT WELLS and others of the county of New York against ASA BIRD GARDINER the dis-

trict attorney of the county of New York, and a copy of such charges having been duly served upon the said ASA BIRD GARDINER and he having filed his answer thereto denying any such misconduct or neglect of duty, and an order having been made by me appointing ANSLEY WILCOX of the county of Erie the commissioner to take the testimony and examination of witnesses as to the truth of such charges, and to report the same to me and also the material facts which he may deem to be established by the evidence, and the said commissioner having taken the testimony relating to said charges and in refutation thereof, and his report and the evidence taken by him having been duly filed, and it appearing to me that the facts disclosed in this proceeding are not sufficient to warrant the finding that the said charges are proven, therefore it is hereby

ORDERED that the said charges against the said ASA BIRD GARDINER, the district attorney of the county of New York, be and the same are hereby dismissed.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany this
[L s] fifth day of September in the year of our Lord
nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

STATE OF NEW YORK

Executive Chamber

September 5, 1900

*In the Matter of the Charges preferred against Asa Bird
Gardiner the district attorney of the county of New York
— Opinion*

The report of Commissioner WILCOX fails to show any single specific act of malfeasance or misfeasance grave enough to warrant the extreme step of removing from office an elective officer. Certain of the acts complained of, such as for instance the District Attorney's wholly improper attitude in the Henderson case, come near the border line; but in a proceeding so grave, both because of its own consequence and because of the precedent set, there must be no reasonable doubt of the guilt, and no question as to the gravity of the offence. It is not enough to show, as the testimony before me substantially does show, that this official has not the proper conception of the dignity of his position, or that he has committed acts of foolish levity, or even that he has exercised his discretion in such manner as to give cause for the belief that he has been influenced by political considerations. These circumstances may be taken into account by the people when passing judgment upon a candidate at the polls; but the moral conviction that a public servant is unfit, or the fact that his conduct has caused great and justifiable dissatisfaction to conscientious citizens is quite distinct from legal proof of shortcomings so serious as to warrant his removal from the office to which he has been elected by the people.)

The charges are dismissed.

THEODORE ROOSEVELT

PROCLAMATION

STATE OF NEW YORK

Executive Chamber

A terrible calamity has overwhelmed the city of Galveston, in the State of Texas. Hundreds of homes are desolated. Thousands of citizens are dead. A still greater number are without food or shelter, enduring untold hardship and privation. At such times a generous people hastens to relieve the suffering and ameliorate the distress of those so grievously afflicted. Now, therefore, I, THEODORE ROOSEVELT, Governor of the State of New York, do earnestly request that the people of this State, with that spirit of generosity which has ever characterized them, hasten to contribute from their abundance to the relief of our fellow citizens who are in such dire need.

And I do hereby appoint J. Pierpont Morgan, of New York; William Berri, of Brooklyn; Robert C. Pruyn, of Albany; Francis N. Mann, of Troy; Frederick Fink, of Utica; Frank H. Hiscock, of Syracuse; William E. Werner, of Rochester, and James A. Roberts, of Buffalo, a committee to receive subscriptions and forward the same to the properly constituted authorities in Texas.

DONE at the Capitol in the city of Albany this
[PRIVY SEAL] thirteenth day of September in the year of
our Lord one thousand nine hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

THANKSGIVING PROCLAMATION

STATE OF NEW YORK

Executive Chamber

In accordance with the wise custom of our forefathers now continued for many generations, I hereby set apart Thursday, the twenty-ninth day of November, nineteen hundred, as a day of thanksgiving and prayer to the Almighty for the innumerable benefits conferred upon the citizens of this State, in common with their fellow citizens of the whole nation during the year which has just passed; for the material well being which we enjoy, and for the chances of moral betterment which are always open to us.

Done at the Capitol in the city of Albany this
[PRIVY SEAL] thirteenth day of November in the year of
our Lord nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS,

Secretary to the Governor.

MATTER OF VAN WYCK, MAYOR OF THE
CITY OF NEW YORK—ORDER DISMISS-
ING CHARGES, AND OPINION

STATE OF NEW YORK

Executive Chamber

*In the Matter of the Charges preferred against Robert A.
Van Wyck, mayor of the city of New York—Order
dismissing charges*

Charges of malfeasance and misfeasance in office having been preferred against the Honorable Robert A. Van Wyck who is the mayor of the city of New York by David Ferguson and Louis R. Southworth of said city, and the said Robert A. Van Wyck having made answer thereto denying generally and specifically such charges, and the complainants herein having appeared by counsel before me and having afterwards filed a brief therein;

NOW THEREFORE for the reasons contained in my written opinion of even date herewith, it is

ORDERED that the said charges against the Honorable Robert A. Van Wyck be and the same are hereby dismissed.

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany

[L S] this twenty-third day of November in the year
of our Lord nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

STATE OF NEW YORK

Executive Chamber

Albany, November 23, 1900

*In the Matter of the Charges preferred against Robert A.
Van Wyck, mayor of the city of New York — Opinion*

The brief presented by Mr. Hayes of counsel to the "World" undated but received in this office November 20, contains no additional testimony or indication where additional testimony can be obtained. The situation is therefore unchanged from what it was on October 4, 1900, when the Attorney General wrote his letter to me.

There is therefore, as stated by the Attorney General in his letter of November 23, little to add to what was contained in his letter of October 4, and in the statement issued by me on November 17.

I concur in the Attorney General's opinion. My judgment is that the so-called ice trust is not a corporation in which the mayor of New York should have stock. But no proof has been offered of any wilful violation of law on the part of the mayor such as would justify the drastic measure of removing him from office. The power of removal from office of elective officers should be treated much as we treat the power of impeachment. It is an extraordinary and not an ordinary remedy.

The normal remedy for bad government must be an appeal to the people, and only in wholly exceptional cases is it desirable to substitute for this appeal to the people, an appeal to the power of removal or the power of impeachment.

The case is therefore dismissed.

THEODORE ROOSEVELT

IN THE MATTER OF THE CHARGES AGAINST
PETER M. WISE, M. D., A MEMBER OF THE
STATE COMMISSION IN LUNACY — NOTICE
AND SUMMONS

STATE OF NEW YORK

Executive Chamber

*In the Matter of the Charges against Peter M. Wise, M. D.,
a member of the State Commission in Lunacy —
Notice and Summons*

To PETER M. WISE, M. D., 1 Madison avenue, New York
city:

You are hereby notified of charges of misconduct in
office preferred against you, and a copy of the charges
made is herewith served upon you.

You are hereby further notified that you will be afforded
an opportunity of being heard in your defense in answer
to said charges before me at the Executive Chamber on
Thursday the twentieth day of December 1900 at eleven
o'clock in the forenoon of that day.

IN WITNESS WHEREOF I have hereunto signed my
name and affixed the Privy Seal of the State at
[L s] the Capitol in the city of Albany this tenth day
of December in the year of our Lord nineteen
hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

IN THE MATTER OF THE CHARGES PRE-
 FERRED AGAINST ASA BIRD GARDINER
 THE DISTRICT ATTORNEY OF THE
 COUNTY OF NEW YORK—NOTICE AND
 SUMMONS

STATE OF NEW YORK

Executive Chamber

*In the Matter of the Charges preferred against Asa Bird
 Gardiner the District Attorney of the county of New
 York—Notice and Summons*

To ASA BIRD GARDINER *the District Attorney of the county
 of New York:*

You are hereby notified that charges of malfeasance, misfeasance and misconduct in office have been preferred against you by John Henry Hammond of the county of New York and a copy of said charges is herewith served upon you.

You are hereby further notified to file your answer to such charges with me on or before Thursday the twentieth day of December 1900 and that you will be afforded an opportunity to be heard in your defense in answer to such charges before me at the Executive Chamber in the city of Albany on Saturday the twenty-second day of December 1900 at half past eleven o'clock in the forenoon of that day.

IN WITNESS WHEREOF I have hereunto signed my name and affixed the Privy Seal of the State at
 [L s] the Capitol in the city of Albany this seventeenth day of December in the year of our Lord nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

ORDER REMOVING DR. PETER M. WISE FROM
THE OFFICE OF STATE COMMISSIONER IN
LUNACY,

STATE OF NEW YORK

Executive Chamber

*In the Matter of the Charges preferred against Peter M.
Wise, M. D., a State Commissioner in Lunacy — Order
of removal from office*

Charges of misconduct in office having been preferred against Peter M. Wise, M. D., one of the State Commissioners in Lunacy, and he having filed an answer denying such charges, and an opportunity having been given him to be heard in his defense, and he having appeared before me in person and by counsel in defense thereto; now it appearing to me after due consideration of the explanations and admissions made by him, the said Peter M. Wise, M. D., State Commissioner as aforesaid, that the charges of misconduct in office are substantially true and that the public interest requires it, it is hereby

ORDERED that the said Peter M. Wise, M. D., be and he hereby is removed from the office of State Commissioner in Lunacy.

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany this
[L s] twentieth day of December in the year of our
Lord nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

OPINION ACCOMPANYING ORDER OF RE-
MOVAL FROM OFFICE

STATE OF NEW YORK

Executive Chamber

ALBANY, December 20, 1900

*In the Matter of the Charges against Peter M. Wise, M. D.,
president of the State Commission in Lunacy — Opinion*

Doctor Wise is hereby removed from office as president of the State Commission in Lunacy.

In making this removal I consider nothing but the statements and admissions of Doctor Wise himself as made in his testimony taken before me December 10th and 11th instant, and submitted in the form of Exhibit 1 at the hearing on the charges December 20, 1900. The accuracy of this testimony was acknowledged by Dr. Wise's counsel.

Doctor Wise was guilty of gross impropriety in directly or indirectly, by suggestion and otherwise, soliciting subscriptions to the Copper Hill Mining Company, of which he was president, from his official subordinates of both sexes, including superintendents, doctors, stewards, and in at least two cases the heads of private asylums which are under the supervision of the State Commission in Lunacy. This Commission has extraordinary power, controls vast sums of money and deals with a peculiarly helpless class of people; so that it calls for a particularly high type of official rectitude. When the head of a department suggests in any way to a subordinate to take stock in any company which is under the control of the said head, the

effect is two fold. In the first place, there must in many cases be a species of moral coercion upon the subordinate; in the second place, if he takes stock at the request of his chief, the latter is to a greater or a less extent under such relations to him as must inevitably impair proper discipline. They become confederates, and such a relation necessarily lowers the entire morale of the force. In the case of private asylums, wherein any abuses in connection with the insane are especially likely to take place, it is of course especially incumbent upon the Lunacy Commissioners to avoid any relation which might hamper their freedom of action. In this case, Doctor Wise, owing to his presidency of the copper mine company in question, and his efforts to have stock taken by subordinates, was thrown into still further unfortunate relations with them; such as having seven doctors and a steward endorse a note for sixteen hundred dollars on one occasion and trying to borrow several thousand dollars on another occasion from the head of one of the private asylums. Seemingly the copper mine company is now in very bad financial condition, a circumstance which is sufficient to show the utter impropriety of the head of a department using the influence given by his official position to persuade subordinates earning not too large salaries, to embark some of their slender earnings in such a venture.

The case of the ice house at the Flatbush Asylum I regard as more serious still. Here Doctor Wise clearly sought to make money out of his official position. It was no part of his duty to have such a building erected. Nevertheless he usurped this function of one of his subordinates and himself directed the erection of the building.

The foundation and piping were laid by the labor of the patient — that is by the State. It was intended to use the ice house as an experiment in making ice, under a new process, for the different State hospitals. Doctor Wise had financial relations with the company such that he would have benefited greatly by the success of the experiment. He claims that the experiment if successful would also have benefited the State; but this, of course, does not alter the utter impropriety of his using his position as a State official to secure pecuniary advantages to himself from a corporation which through him was to establish relations with the State. He had a financial interest in the company, while in the interest of the company he was building the ice house on State land and partly by State labor. He has himself admitted the impropriety of this conduct by stating that when the construction of the house was undertaken, he gave up his interest in the company. Yet it appears from his letters that he never gave it up at all — certainly not for eight months after the construction of the house was undertaken and until it was believed that the process was a failure. In explanation of these letters which were written to officials or agents of the company, Doctor Wise asserts that he really had given up his interest, but that he was deceiving his business associates during their long correspondence, lasting for eight months. Taking into account such a letter as that partially quoted in his testimony of December 11th, written by him to Mr. Vaughn, it is absolutely impossible to credit this statement, or to believe that he entered into such a long, complicated and utterly purposeless deception. Moreover, if his plea is ad-

mitted it simply makes him guilty of another type of moral turpitude.

It is not possible to exact a high standard of public service and at the same time to condone such conduct as that of Doctor Wise, and he is accordingly removed from office.

THEODORE ROOSEVELT

MATTER OF BERNHARD MORAL, NOTARY PUBLIC — ORDER DISMISSING CHARGES

STATE OF NEW YORK

Executive Chamber

*In the Matter of the Charges preferred against Bernhard Moral a Notary Public of and for the county of New York by Joseph H. Stiner of the city of New York—
Order dismissing charges*

Charges of improper and dishonorable conduct in office having been preferred against Bernhard Moral a notary public of and for the county of New York by Joseph H. Stiner of the same county and a copy of said charges having been served upon him and an opportunity given him to make a defense thereto, and he having answered denying said charges, and the matter having been thereafter duly referred to the Honorable William J. Youngs as commissioner to take testimony as to said charges and to report the material facts which he deemed established by the evidence, and the said commissioner having proceeded upon such hearing and taken the testimony which was offered by either side and having immediately filed his

report in which he declares that as a matter of law the charges herein were not sustained for the reason that the facts as alleged in the complaint do not exist, and after due consideration of said report and the conclusions of the said commissioner, it is hereby

ORDERED that the said charges against the said Bernhard Moral as notary public of and for the county of New York be and the same are hereby dismissed.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany this
[L s] twenty-second day of December in the year of our Lord nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

WM. J. YOUNGS

Secretary to the Governor

MATTER OF DISTRICT ATTORNEY GARDINER
— ORDER OF REMOVAL FROM OFFICE

STATE OF NEW YORK

Executive Chamber

In the Matter of the Charges preferred against Asa Bird Gardiner the District Attorney of the county of New York — Order of removal from office

Charges of malfeasance, misfeasance and misconduct in office having been preferred against Asa Bird Gardiner the

district attorney of the county of New York by John Henry Hammond of said county and a copy of such charges having been served upon him and an opportunity given him to make a defense thereto, and he having filed his answer denying said charges, and he having thereafter been heard before me at the Executive Chamber in the city of Albany in person and by counsel and the witnesses produced by him having been duly examined; now therefore it appearing to my satisfaction that the usefulness of the said Asa Bird Gardiner in the office of district attorney of the county of New York is at an end, it is hereby

ORDERED that the said Asa Bird Gardiner be and he hereby is removed from the office of district attorney of the county of New York.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany this
[L s] twenty-second day of December in the year of our Lord nineteen hundred.

THEODORE ROOSEVELT

By the Governor:

T. NEWCOMB

Appointment Clerk

OPINION

STATE OF NEW YORK

Executive Chamber

ALBANY, December 24, 1900

*In the Matter of the Charges preferred against Asa Bird
Gardiner the District Attorney of the county of New
York — Opinion*

The charge vitally affecting the conduct of the district attorney is that which relates to his attitude at and about election time toward the indictment of Chief of Police Devery after the latter had issued a scandalously improper and seditious order to the police force under him.

Where the conduct of the district attorney of the county of New York affects elections, this conduct becomes a matter not merely of county, but of State and National concern. Fraud or violence at the polls in New York county in a National election may concern not merely the county itself, not merely the other counties of the State, but also the other States of the Union. It is a mere truism to assert that honest elections, free from both fraud and violence, stand at the very basis of our form of republican self government. There is no use in discussing principles and issues unless it is settled that the conclusion which the majority reaches upon such principles and issues shall be honestly recorded in the election itself. There can be no possible justification for any man, and above all for any public officer, failing to do everything in his power to prevent crime against the ballot box. No more serious crime against the State, and in time of peace, no crime as serious, can be committed.

Before the election last November, there was the most open incitement by certain leading politicians to violence and fraud at the polls. In New York State in particular, this incitement took the form of a naked appeal to mob violence,—the leader of one of the two great parties in this State urging his followers in repeated public utterances to gather at the polls and criminally assault the officers of the law in certain contingencies. Utterances such as these of course excited great public uneasiness and bade fair to cause the most serious disturbances; but there was nothing to be done regarding them so long as they were only the utterances of individuals in private life.

When, however, the Chief of Police of the city of New York issued a public order to his subordinates in which he incited them to criminal violation of the law — an order which was certain to cow and terrorize some men, and to encourage the entire disorderly and lawless element — the situation became so grave as to call for the interference of the Chief Executive of the State. Accordingly, the Chief Executive notified the Mayor, the Sheriff and the District Attorney that in view of the issuance of this order they would be held to a strict accountability for their acts in preserving, or failing to preserve, the public peace.

The Mayor and the Sheriff promptly responded to this notification, expressing and showing their desire to see that the laws were observed, the Mayor taking immediate steps to force the Chief of Police to rescind the obnoxious order itself. About the same time the grand jury found an indictment against the Chief of Police for having issued it.

Alone, among the other city officials charged with the solemn duty of enforcing the laws, the district attorney on whom rested the heaviest responsibility in the enforcement of the law, gave by public utterance, aid and comfort to the Chief of Police. There is a flat conflict of veracity between the district attorney and his accusers on this point. In the newspapers of the day following, those containing the publication of the Chief of Police's order, there appeared interviews with the district attorney in which he attacked the grand jury and justified the action of the Chief of Police. To give out such interviews was of course to give active encouragement to every element in the community which was enlisted upon the side of fraud or violence. The district attorney denies that he gave them out. Two witnesses have testified that he independently gave them interviews which were substantially the same, and in one case the testimony is explicit that he was informed the interview was for publication. These interviews, and others like them, appeared conspicuously in the various morning papers, and were never repudiated then or afterwards by the district attorney. He never acknowledged in any way the receipt of the notification by the Chief Executive, which, if anything had been needed, would certainly have called his attention to the gravity of the situation and have aroused his vigilance as to anything he might say or had said. Under the circumstances it is impossible to believe that he did not give any such interview, or that he was ignorant of its publication. It is equally incredible that he could have been ignorant of the effect that might be produced by such public statements from that county official, whose special duty it should have been to see to the observance of the law in

the county. Had the other officials concerned, assumed or preserved a similar attitude, the very gravest consequences might have ensued, and the district attorney cannot be allowed to profit by the fact that the action of others prevented the evil consequences of his own acts.

As to the charges that the district attorney failed in his duty in assisting the officials of the Attorney General's office who were concerned in preventing violations of the election laws, it appears that there was such failure in at any rate certain cases prior to the election. This does not appear to have been the case after the election.

It is impossible again to accept the plea that acts like these are to be excused on the ground that they spring from folly, rather than from intent to do wrong.

Under these circumstances the district attorney of the county of New York is removed from office.

THEODORE ROOSEVELT



STATEMENT OF PARDONS
COMMUTATIONS AND RESPITES

GRANTED BY

THEODORE ROOSEVELT GOVERNOR

DURING THE YEAR

1900

PARDONS

January 9, 1900. Carey Bates. Sentenced January 31, 1899; county, New York; crime, assault, second degree; term, five years; prison, Sing Sing.

The jury accompanied their verdict with a strong recommendation of mercy. From a careful examination of the evidence it would seem that they ought rather to have acquitted the prisoner, it being practically undisputed that he acted in defense of himself and his wife against a most brutal and inexcusable assault by a mob organized for the purpose of driving him and other negroes out of the neighborhood. All of the jurors join in the petition for his pardon and the district attorney recommends it.

January 17, 1900. John Sullivan. Sentenced June 29, 1897; county, New York; crime, burglary, third degree; term, four years and six months; prison, Sing Sing.

January 17, 1900. Max Hutsedt. Sentenced June 29, 1897; county, New York; burglary, third degree; term, four years six months; prison, Sing Sing.

The evidence against these prisoners was barely sufficient to render their conviction legal. The pardons are granted on account of the doubt as to their guilt.

February 13, 1900. Saul Jacobs. Sentenced February 9, 1898; county, New York; crime, grand larceny, first degree; term, eight years; prison, Sing Sing.

Jacobs' guilt is exceedingly doubtful. He was indicted with two others who were unquestionably guilty, one of whom has confessed, and stated that Jacobs had no connection whatever with the crime, a statement which is amply confirmed by all the circumstances of the case.

March 2, 1900. James Kelly. Sentenced December 6, 1899; county, Madison; crime, being a tramp; term, one hundred and thirty days; prison, Onondaga County Penitentiary.

Recommended by the committing magistrate and by a number of reputable citizens of Oneida county, where the prisoner and his parents reside. He is a young man of good character, not in any sense a tramp or vagrant, and was convicted under a misapprehension of the facts.

December 4, 1900. Frank Ryan. Sentenced September 10, 1900; county, Kings; crime, violating Liquor Tax Law; term, one hundred and thirty days, or fine of six hundred and fifty dollars; prison, Kings County Jail.

Ryan was convicted of trafficking in liquors without having obtained a tax certificate. He had applied for a certificate and paid the fee but commenced business before the certificate was actually issued. The judges, although entirely satisfied that he had no intention of violating the law, still felt bound to impose the prescribed penalty. They now unite with many citizens in a very earnest appeal for Ryan's pardon.

December 20, 1900. Harry E. Sherman. Sentenced August 24, 1900; county, New York; crime, attempting to commit burglary, second degree; maximum term, five years; prison, State Reformatory.

Granted on the recommendation of Thomas Sturgis, President of the Board of Managers, and of Frank W. Robertson, Acting General Superintendent of the Reformatory. Sherman pleaded guilty, but from a careful examination of the facts, it appears that there was really no attempt to commit burglary, the act complained of being simply a trespass.

December 21, 1900. George de Jordan. Sentenced December 16, 1893; county, Jefferson; crime, burglary, first degree; maximum term, twenty years; prison, State Reformatory. Transferred to Matteawan State Hospital.

The prisoner went into a boarding-house and stole a few articles of trifling value. Although the facts were such as technically to constitute burglary in the first degree, there was nothing in the case demanding severe punishment. Imprisonment for seven years is more than enough.

COMMUTATIONS

January 3, 1900. Chiara Cignarale. Sentenced June 3, 1887, to be executed, and sentence commuted, July 27, 1888, to imprisonment for life; county, New York; crime, murder, first degree; prison, New York Penitentiary and State Prison for Women.

Commuted to eleven years, five months and ten days, actual time.

The prisoner was convicted of murder for killing her husband. She committed the crime, being exasperated by his long-continued cruel and inhuman treatment, and although his conduct furnished no justification for her act, it may, under all the circumstances of the case, be properly taken into account in considering her application for mitigation of punishment. She had always been a woman of good character and her conduct during her imprisonment has been in all respects commendable. She has now been imprisoned for a term which, with the reduction allowed for good conduct in cases of imprisonment for less than life, is equivalent to more than twenty years. The commutation has been very earnestly requested personally and officially by Baron Fava, the Italian Ambassador at Washington.

January 8, 1900. William O'Brien. Sentenced November 20, 1896; county, New York; crime, grand larceny, first degree; term, ten years; prison, Sing Sing.

Commuted to three years, one month and nineteen days, actual time.

O'Brien has served about half his term, less the usual deduction for good behavior. He will probably not live long, being very ill with consumption, and Mrs. Maud B. Booth makes a very earnest appeal for his release.

January 9, 1900. Valentine Dick. Sentenced December 12, 1898; county, New York; crime, assault, second degree; term, three years; prison, Sing Sing.

Commutated to one year and twenty-seven days, actual time.

The assault did not result in serious injury to the complainant, and the evidence on the trial tended very strongly to show that he was really the aggressor. The prisoner appears to be a man of good character, and the judge and the district attorney think his case a proper one for clemency.

February 8, 1900. John Gerkey, or Yerkey. Sentenced March 28, 1895; county, Niagara; crime, arson, third degree; term, six years and eight months; prison, Auburn.

Commutated to three years, seven months and eighteen days, actual time.

The prisoner was confined in the county jail for more than a year awaiting decision of an appeal from the judgment of conviction. Judge Millar, before whom he was tried, thinks it but just to allow that time as part of his sentence.

March 24, 1900. John Flynn. Sentenced January 12, 1898; county, New York; crime, assault, second degree; term, five years; prison, Sing Sing.

Commutated to two years, two months and twelve days, actual time.

Two trials were had in this case, the first trial resulting in a disagreement. An examination of the evidence given on

the second trial, as briefly reported by the district attorney, shows that the case was an exceedingly weak one and that an acquittal would have been fully warranted. The complainant and the defendant, the only witnesses to the occurrence, each testified, in effect, that the other was the aggressor and alone responsible for the assault and its results. The defendant's testimony seems fully as credible and at least as well supported by the circumstances as that of the complainant, and there does not appear to have been any very good reason for rejecting his account of the facts and accepting that of his accuser. He is represented to have been a man of good character and, considering the doubt as to his guilt, the sentence, which was for the full term allowed by law, seems quite severe. He has now served, with the commutation for good conduct, nearly three years.

May 3, 1900. Hugh McMahon. Sentenced December 9, 1897; county, Onondaga; crime, robbery, third degree; term, four years and eight months; prison, Auburn.

Commutated to two years, four months and twenty-four days, actual time.

May 3, 1900. Thomas Kelly. Sentenced December 9, 1897; county, Onondaga; crime, attempting to commit robbery, third degree; term, four years and seven months; prison, Auburn.

Commutated to two years, four months and twenty-four days, actual time.

These two prisoners were separately convicted on the same indictment, one of robbery and the other of attempting to commit robbery. The evidence to prove the commission of either crime was quite meager, and it is exceedingly doubtful

if the offense actually committed was more than simple assault. The judge and the district attorney are in favor of commuting the sentences.

May 3, 1900. Jacob Gerhardt. Sentenced June 18, 1881; county, Sullivan; crime, murder, second degree; term, life; prison, Clinton.

Commuted to eighteen years, ten months and seven days, actual time.

The facts, as reported by the district attorney, fully sustain him in the view that the conviction ought not to have been for a higher grade of homicide than manslaughter in the first degree. The killing, the result of a sudden quarrel, was committed in the heat of passion and without any real purpose to effect death. Until the commission of the crime, Gerhardt had always borne a good character, and his conduct during his long imprisonment has been exemplary. He has now served a longer term than the maximum penalty for manslaughter and commutation of his sentence is recommended by the district attorney who procured the conviction, by his associate counsel, by the county judge, who was a member of the trial court, by the present county judge and by other leading citizens of Sullivan county.

May 3, 1900. James Russell. Sentenced March 18, 1890; county, New York; crime, burglary, first degree; term, twenty years; prison, Sing Sing.

Commuted to ten years, one month and sixteen days, actual time.

The prisoner was convicted of breaking and entering a liquor store. Ordinarily, this would constitute burglary in the third degree, the maximum penalty for which is five years; but it appearing that the proprietor and his family lived on

the same floor in the rear of the store, it was held that the store formed part of a dwelling-house and therefore that the crime was burglary in the first degree, although neither of the living rooms was entered or the occupants disturbed. This was no doubt strictly legal, but it was certainly holding the prisoner to a very rigid accountability, and as this was his first offense the sentence seems quite severe. The judge and the district attorney are in favor of reducing it.

May 21, 1900. Daniel Van Deusen. Sentenced March 5, 1879; county, Albany; crime, murder, second degree; term life; prison, Clinton.

Commuted to twenty-one years, two months and eighteen days, actual time.

Recommended by the district attorney who prosecuted the case, by the justices of sessions, and by many others familiar with the facts. The prisoner was less than twenty years of age at the time of the homicide and was provoked into committing it by the most exasperating conduct on the part of the deceased. In view of all the circumstances, the term he has now served is sufficient.

July 11, 1900. Thomas J. Brownlee. Sentenced March 5, 1880; county, Westchester; crime, murder, second degree; term, life; prison, Sing Sing.

Commuted to twenty years, four months and eight days, actual time.

Brownlee shot a companion with whom he had been spending the day on a steamboat excursion. There had been no quarrel between them, and, from the facts as stated by the district attorney, there seems to have been no motive whatever for the act. Both men were under the influence of liquor,

Brownlee being so grossly intoxicated that he must have been wholly incapable of forming an intent to kill or of being actuated by any deliberate or intelligent purpose. The district attorney very earnestly recommends that Brownlee be released, believing that the shooting was wholly accidental, and that in any event the punishment ought not to exceed that prescribed for manslaughter in the first degree. This is concurred in by a large number of the business men of Yonkers where Brownlee lived and where the shooting took place.

July 11, 1900. William Flannigan. Sentenced May 18, 1899; county, New York; crime, assault, second degree; term, two years and six months; prison, Sing Sing.

Commutated to one year and two days, actual time.

The injury inflicted by the assault was not serious, and, considering the provocation and Flannigan's previous good character, imprisonment for one year is ample.

July 11, 1900. De Lancy F. Dubois. Sentenced April 14, 1899; county, Steuben; crime, manslaughter, second degree; term, three years; prison, Monroe County Penitentiary.

Commutated to one year, two months and twenty-seven days, actual time.

Dubois and the deceased, who had been inmates of the New York State Soldiers and Sailors' Home, were at the time of the homicide living in a house which they had rented together a short distance from the village of Bath. One morning, while they were engaged in a quarrel, Dubois struck the deceased on the head with an empty pitcher which happened to be near at hand, thereby severing a small artery, and, proper attention not being given to it, the deceased bled to death. The injury was clearly unintentional and all the

circumstances go to show that the prisoner was but little if at all to blame for the quarrel and that he did everything he was permitted to and could do to prevent the deplorable result of it. The judge and the district attorney think he has been fully punished and they unite with the trustees, officers and inmates of the Soldiers and Sailors' Home in asking for his release.

July 11, 1900. Frank Finch. Sentenced January 13, 1898; county, Jefferson; crime, grand larceny, second degree; term, five years; prison, Auburn.

Commutated to two years, five months and twenty-three days, actual time.

Finch's health is very poor and he will probably not live a great while. He is released on the recommendation of the district attorney.

July 13, 1900. Palmer Case. Sentenced June 5, 1899; county, Madison; crime, grand larceny, second degree; term, two years and four months; prison, Auburn.

Commutated to one year, one month and eight days, actual time.

Granted on the recommendation of the judge and the district attorney in consideration of Case's previous good character and of his having furnished valuable evidence for the People on the trial of his confederate. The latter was convicted only of petit larceny and there would, therefore, seem to be some doubt as to the grade of the crime.

July 27, 1900. Edward Wise. Sentenced March 31, 1899, to be executed; county, New York; crime, murder, first degree; prison, Sing Sing.

Commutated to imprisonment for life.

Wise was convicted of murder in the first degree for causing the death of Charles F. Beasley while attempting to rob him on one of the public streets of the city of New York. The evidence given upon the trial together with additional evidence adduced upon the application for clemency shows that the crime was committed by Wise in company with a confederate named Sweeney. There was no thought of killing Beasley or of doing him bodily harm, but, while they were engaged in the attempt to rob him, Sweeney struck him a blow which felled him to the ground, and his head coming violently against the pavement his skull was fractured, resulting in his death. Wise was taken into custody at once, but Sweeney escaped. Legally, Wise was no doubt as fully responsible for Sweeney's act in striking Beasley and for the consequences of it as if he himself had delivered the blow, although in fact he in no way consented to it, and had not contemplated anything of the kind. And although the killing of Beasley was altogether unintentional and occurring as it did quite in the nature of an accident, still those by whose act it was brought about were, under the statute, guilty of murder in the first degree, being at the time engaged in the commission of a felony. But in view of all the circumstances, death, the only penalty prescribed by law for the offense, seems too stern and severe, and some mitigation is due by way of executive clemency. Imprisonment for life will be fully commensurate with Wise's guilt and sufficient for all the demands of justice.

July 11, 1900. Michael Slattery. Sentenced November 14, 1895; county, Monroe; crime, burglary; term, five years, to commence at the expiration of a previous term; prison, Auburn.

Commutated to five months, thirteen days, actual time.

Slattery was sentenced to serve two terms of five years each upon two indictments, one for grand larceny and the other for burglary, the second term to begin at the expiration of the first. He has served the first term with the usual deduction for good behavior, and is now serving the second. The judge and the district attorney are of the opinion that as the burglary was not a very serious offense, consisting only in breaking and entering a barn or hen house, the punishment already inflicted has been sufficient and recommend that the second sentence be commuted and the prisoner released.

July 27, 1900. Thomas Roberts. Sentenced December 24, 1898; county, Clinton; crime, assault, second degree; term, one year, eight months; prison, Clinton.

Commutated to four months and twelve days, actual time.

In addition to the sentence of one year and eight months, Roberts is required by law to serve out the commutation of about one year and three months, earned by him for good behavior under a former sentence, which he forfeited by his second conviction. The judge and the district attorney are of the opinion that under the circumstances of the case it would be exceedingly unjust to compel him to do this, and they unite in recommending that his punishment be limited to service of the new term. The commutation granted will effect this as nearly as is now possible.

July 31, 1900. Peter Cosgrove. Sentenced August 18, 1896; county, New York; crime, robbery, second degree; term, eleven years; prison, Sing Sing.

Commutated to three years, eleven months and seventeen days, actual time.

Granted on the petition of the complainant and of others who were witnesses of the crime and are acquainted with all the facts, on the ground that the punishment already imposed has been sufficient. Until charged with this offense, Cosgrove had always borne a good character, and upon an examination of the case there is some doubt as to whether the offense really amounted to robbery.

August 6, 1900. John Beyer. Sentenced June 28, 1899; county, Erie; crime, grand larceny, second degree; term, two years and three months; prison, Auburn.

Commutated to one year, one month and ten days, actual time.

Recommended by Judge Emery, who imposed the sentence, by the district attorney, by the complainant, and many other citizens of Buffalo. Judge Emery writes that if facts recently brought to his attention had been known to him at the time, he would not have sentenced Beyer for a longer term than he has now served.

August 17, 1900. Carl Fischer. Sentenced May 4, 1892; county, Richmond; crime, burglary, first degree; term, seventeen years and seven months; prison, Sing Sing.

Commutated to eight years, three months and seventeen days, actual time.

Very strongly urged by Judge Barnard, who imposed the sentence, by Thomas W. Fitzgerald, who was district attorney at the time, by Governor Voorhees, of New Jersey, by Cornelius Van Cott, of New York, and many others. This was Fischer's first offense, he was quite young when convicted, and has now served, with the reduction allowed for good conduct, a term of thirteen years.

August 17, 1900. Albert Ross. Sentenced May 4, 1892; county, Richmond; crime, burglary, first degree; term, seventeen years, seven months; prison, Sing Sing.

Commuted to eight years, three months and seventeen days, actual time.

Ross was jointly indicted with Carl Fischer, whose sentence has been commuted for reasons last-above stated. His eyesight has become seriously impaired, and he is threatened with total blindness, which, perhaps, can be averted by proper treatment, but this he cannot have at the prison. He has been an exceptionally good prisoner, and the prison officers ask for his release.

August 27, 1900. Louis Cavè. Sentenced September 28, 1898; county, Niagara; crime, forgery, second degree; term, five years; prison, Auburn.

Commuted to one year, ten months, twenty-six days, actual time.

The term already served, being equivalent to about two years and six months, is deemed sufficient for the crime committed—the forging of a check for twenty-five dollars; and the prisoner is released upon the very earnest petition of the complainant in whose employ he was when he committed the forgery, and who will take him at once again into his service.

August 27, 1900. Reuben Goldstein. Sentenced November 21, 1898; county, New York; crime, grand larceny, first degree; term, five years; prison, Sing Sing.

Commuted to one year, nine months and eight days, actual time.

Recommended by judge, district attorney, and complainants, on the ground that the prisoner has been sufficiently

punished, having served half the term and this being his first offense. It also appears that after his arrest he caused the stolen property or the greater part of it to be returned to the owners.

November 16, 1900. Arthur Clayton. Sentenced May 17, 1899; county, Monroe; crime, receiving stolen property; term, five years, maximum; prison, State Reformatory. Transferred to Auburn.

Commutated to one year, five months and twenty-three days, actual time.

Clayton was convicted of receiving a stolen bicycle said to be worth \$40. By his transfer to the prison he will be required to serve a term of five years less such commutation as he may earn for good behavior. The judge says that he would not have imposed a sentence of that severity and that in his opinion the term already served is sufficient.

November 16, 1900. James Ward. Sentenced February 27, 1896; county, Oneida; crime, burglary, third degree; term, five years, maximum; prison, State Reformatory. Transferred to Clinton.

Commutated to four years, eight months and nine days, actual time.

Ward stole some lead pipe from a vacant house. He has already served more than a year longer than the maximum term prescribed for his offense, the usual deduction being made, and the judge and the district attorney think he ought to be released.

November 16, 1900. Dominick Rico. Sentenced October 25, 1893; county, Queens; crime, burglary, second degree; term, ten years, maximum; prison, State Reformatory. Transferred to Auburn.

Commuted to seven years and fifteen days, actual time.

The punishment has far exceeded the demands of justice. The prisoner is released on the recommendation of the judge who sentenced him.

November 16, 1900. John Moran. Sentenced June 7, 1897; county, New York; crime, grand larceny, first degree; term, four years and six months; prison, Sing Sing.

Commuted to one year and twenty-four days, actual time.

Considering the prisoner's previous good character and his very feeble state of health the term he has now served is deemed sufficient. The complainants, nine of the jurors (all who can be found) and other citizens ask that his sentence be commuted.

November 23, 1900. Vincent Cody. Sentenced October 18, 1867; county, New York; crime, murder, second degree; term, life; prison, Sing Sing.

Commuted to thirty-three years and one month, actual time.

The homicide was the result of a sudden affray in a bar room for which all the persons engaged, including the deceased, were equally responsible. Cody has always maintained his innocence of the crime of murder, insisting that the killing was accidental, having been caused by the accidental discharge of a pistol in the hands of the deceased which Cody was endeavoring to take away from him. Although a claim of innocence without satisfactory proof to support it is generally of but little account on an application for clemency, it is to be considered in this case that at the time of the trial defendants were not permitted to testify as witnesses in their own behalf, and consequently that Cody's side of the story was not given to the jury. But disregard-

ing altogether his account of the affair, the crime, committed as it was, not with cool deliberation, but under circumstances of great and sudden excitement and confusion, was not of such atrocity as to demand rigorous enforcement of the severe penalty of life imprisonment. Cody has now served an unusually long term, during the whole of which his conduct has been most exemplary, and justice does not require more.

December 4, 1900. Timothy Donovan. Sentenced December 21, 1888; county, Erie; crime, murder, second degree; term, life; prison, Auburn.

Commutated to eleven years, eleven months and thirteen days, actual time.

Very strongly recommended by Judge Kenefick of the Supreme Court, who was district attorney at the time of the trial, and who says that in his opinion a conviction of manslaughter in the first degree would have been a juster disposition of the case, and that in that view of it Donovan's punishment has been sufficient, being about four months short of the maximum term with the usual deduction for good behavior.

December 26, 1900. Guy Roche. Sentenced June 25, 1897; county, New York; crime, assault, first degree; term, nine years; prison, Sing Sing.

Commutated to three years, six months and three days, actual time.

The prisoner has suffered all the punishment that justice requires and if released now can secure permanent employment.

December 31, 1900. Annie Walden. Sentenced April 28, 1892; county, New York; crime, murder, second degree; term,

life; prison, New York Penitentiary and State Prison for Women.

Commuted to eight years, eight months and five days, actual time.

The prisoner, driven to desperation by the brutal treatment of her husband, shot him. She was then twenty years old. She has now been imprisoned for a term which is the legal equivalent of nearly fourteen years. During the whole of it she has suffered greatly from a most painful illness from which she will probably never recover. Her conduct has been excellent. Something over a year ago a very earnest appeal was made by the officers of the penitentiary for clemency in her behalf as a reward for her having at the risk of her own life saved that of a child at a fire in one of the penitentiary buildings. A number of people of the highest character have taken a deep interest in the case, and have very strongly urged that she be released.

December 31, 1900. Pasquale Leonardi. Sentenced February 2, 1895; county, Montgomery; crime, murder, second degree; term, life; prison, Clinton.

Commuted to five years, ten months and twenty-four days, actual time.

This commutation is strongly recommended by Judge Stover, before whom the prisoner was tried, by Attorney-General Davies, who is familiar with all the facts, by the county judge, and by many other leading citizens of Montgomery county. In fact the sentiment there in favor of the commutation seems unanimous. It is clearly shown that Leonardi was a man of good character, and that at the time of the homicide he was practically insane, the result of the rough and outrageous treatment to which he had been subjected, so that really he was not responsible for his act.

RESPITES

January 11, 1900. Squire Tankard. Convicted of murder, first degree, in the county of Chautauqua, and sentenced, November 27, 1899, to be executed.

Respite granted until July 16, 1900.

Insanity was interposed as a defense on the trial but does not seem to have been well established. There can be no doubt, however, that Tankard is now insane, although perhaps not permanently so, and the respite is granted to afford opportunity for his recovery.

June 27, 1900. Squire Tankard.

Further respited until February 1, 1901, on same grounds as for respite of January 11, 1900.

PUBLIC ADDRESSES AND CORRESPONDENCE
OF
THEODORE ROOSEVELT
GOVERNOR OF THE STATE OF NEW YORK
DURING THE YEAR
1900



ADDRESSES

ADDRESS AT THE DEWEY ARCH FUND CONCERT, NEW
YORK CITY, FEBRUARY 6, 1900

LADIES AND GENTLEMEN: We have come here to pay honor to the Admiral whose name stands second to that of Farragut alone in our naval annals, the Admiral who has added to the honor and renown of the American name, who has written a fresh page in the glorious history of American patriotism and valor. But we have come to do even more than that, for we have come to try to build a monument which in keeping fresh the memory of what has been done, will inspire us to exercise the care and the foresight, no less than the courage, which shall guarantee that the future shall reproduce the past. In no way can we better please Admiral Dewey than by extending our glad acknowledgment of our debt, not only to him, not only to the men with him on that hot spring day when he sailed into Manila Bay to strike the last shattering stroke against Spain's empire in the tropic East, but also to the men of every kind, the secretaries of the navy, the congressmen, the shipwrights, the gunsmiths, the officers and enlisted men who, each working in his own way and according to his own capacity, had during the fifteen preceding years built up the navy which

Dewey used so well. Pay all honor to the great man who used aright the instrument intrusted to his care, and without whom, or another as good, the instrument would have been useless, but pay all honor also to those who made ready the instrument without which even Dewey's daring and seamanship could not have availed. If in 1883, before the new navy was built, we had gone to war, not all the great admirals who ever sailed the seas could have won such triumphs as those of 1898, for in 1883 we had with supine indifference permitted our navy to rot into uselessness. Then came the time of the upbuilding, and it was long and hard work before we could get it upbuilt, for we had to face the shortsighted folly of those who insisted that we were a peaceful people, and that to build a navy would provoke possible war; the ignorance of those who thought a navy a mere waste of money, and the cold-heartedness of those who thought national honor but an empty name — who cared nothing for that self-respect which with a nation as with an individual comes only when there is already present the ability to hold one's own with a strong hand against insult and wrong-doing. Every argument which is now made against going on with the work of upbuilding the navy, or against keeping up our army to the size at which we now have it, of perfecting its organization and efficiency, was then made against our building the new navy at all. Had the men who made these arguments prevailed in the councils of the nation, had we not obeyed Washington's injunction — "in time of peace prepare for war" — we should have had no glorious memories of Manila and Santiago to look back upon. In dealing with the future let us profit by

this lesson of the immediate past. Above all, let us keep clear of ever asserting a policy which we do not intend to carry out. Bluff is a very bad thing in either nation or man. I most heartily believe in the Monroe Doctrine, that the United States should forbid any foreign nation from acquiring, under any pretext whatsoever, a foot of American soil, north or south, beyond what it may already have. I hope that our nation will uphold this doctrine unflinchingly and unwaveringly. But it is idle to assert it unless we intend to make our words good by deeds if the need should arise, and to do this we must be prepared; otherwise we shall bring disaster upon ourselves, and when the disaster comes we shall have to thank, not the men under whom it may chance to come, but ourselves, the people of the United States, for not having the forethought to make full preparation in advance. If we intend, as I earnestly hope and believe we do intend, to keep the Monroe Doctrine as the cardinal feature of American foreign policy, we must never permit our naval rank among the nations of the world to be any lower than it is, and if possible should make it higher; and while we do not need a large army, we do need one of the present size, which is really a very small army compared to the size of the wealth and the needs of the nation. And we must make this an instrument of the highest fighting efficiency. The Secretaries of the Navy, Chandler, Whitney, Tracy, Herbert and Long and the Senators and Congressmen who backed them up, have a right to feel a personal pride in Admiral Dewey's victory, for without them it could not have been obtained. We must continue to build up and to exercise the navy, to train the officers

and men and perfect the ships, the guns and the machinery, so that no possible foe can cause us just alarm. We must do the same for the army. Secretary Root has pointed out the way. Under his guidance we can begin to put our army level with our navy, level with what the valor of its officers and soldiers demands. All that is necessary is that through our representatives in Congress we should with hearty cordiality back up Secretary Root. If we do this, if we show ourselves ready by sea and land, if we show ourselves prepared for any event, small indeed will be the chance of our having to abide the actual shock of war again, and if the chance does come we can be certain of bearing ourselves honorably and well. But if we fail to do this, if we assert policies and yet take no means to fit ourselves to meet the requirements of these policies, so that our deeds may make good our words, then we shall have ourselves to thank if there comes to us a day of bitter humiliation. To-night we have come together to commemorate the seamanship, the courage and the self-devotion of our navy. Let us show as a people that we mean what we say. Let us show in practical fashion that we honor the high valor of our soldiers and sailors by taking steps to provide, so that if at any time in the future we need to demand the exercise of that valor, it shall be exercised under conditions where it shall not be thrown away for lack of the means to make it effective.

ADDRESS AT THE GRANT ANNIVERSARY AT GALENA,
ILL., APRIL 27, 1900

FELLOW CITIZENS: In the long run every great nation instinctively recognizes the men who peculiarly and pre-eminently represent its own type of greatness. Here in our country we have had many public men of the first rank—soldiers, orators, constructive statesmen and popular leaders. We have even had great philosophers who were also leaders of popular thought. Each one of these men has had his own group of devoted followers, and some of them have at times swayed the nation with a power such as the foremost of all hardly wielded. Yet as the generations slip away, as the dust of conflict settles, and as through the clearing air we look back with keener wisdom into the nation's past, mightiest among the mighty dead loom the three great figures of Washington, Lincoln and Grant. There are great men also in the second rank; for in my gallery of merely national heroes, Franklin and Hamilton, Jefferson and Jackson would surely have their place. But these three greatest men have taken their place among the great men of all nations, the great men of all time. They stood supreme in the two great crises of our history, on the two great occasions when we stood in the van of all humanity and struck the most effective blows that have ever been struck for the cause of human freedom under the law; for that spirit of orderly liberty which must stand at the base of every wise movement to secure to each man his rights, and to guard each from being wronged by his fellows.

Washington fought in the earlier struggle, and it was his good fortune to win the highest renown alike as

soldier and statesman. In the second and even greater struggle, the deeds of Lincoln the statesman were made good by those of Grant the soldier, and later Grant himself took up the work that dropped from Lincoln's tired hands when the assassin's bullet went home and the sad, patient, kindly eyes were closed forever.

It was no mere accident that made our three mightiest men, two of them soldiers and one the great war President. It is only through work and strife that either nation or individual moves on to greatness. The great man is always the man of mighty effort, and usually the man whom grinding need has trained to mighty effort. Rest and peace are good things, are great blessings, but only if they come honorably; and it is those who fearlessly turn away from them, when they have not been earned, who in the long run deserve the best of their country. In the sweat of our brows do we eat bread, and though the sweat is bitter at times, yet in the long run it is far more bitter to eat the bread that is unearned, unwon, undeserved. America must nerve herself for labor and peril. The men who have made our national greatness are those who faced danger and overcame it, who met difficulties and surmounted them, not those whose paths were cast in such pleasant places that toil and dread were ever far from them.

Neither was it an accident that our three leaders were men who while they did not shrink from war were nevertheless heartily men of peace. The man who will not fight to avert or undo wrong is but a poor creature; but after all he is less dangerous than the man who fights on the side of wrong. Again and again in a nation's history the time may, and indeed sometimes must come,

when the nation's highest duty is war. But peace must be the normal condition, or the nation will come to a bloody doom. Twice in great crises, in 1776 and 1861, and twice in lesser crises, in 1812 and 1898, the nation was called to arms in the name of all that makes the words honor, freedom and justice other than empty sounds. On each occasion the net result of the war was greatly for the benefit of mankind. But on each occasion this net result was of benefit only because after the war came peace, came justice and order and liberty. If the Revolution had been followed by bloody anarchy, if the Declaration of Independence had not been supplemented by the adoption of the Constitution, if the independence won by the sword of Washington had not been supplemented by the stable and orderly government which Washington was instrumental in founding, then we should have but added to the chaos of the world and our victories would have told against and not for the betterment of mankind. So it was with the Civil War. If the four iron years had not been followed by peace, they would not have been justified. If the Great Silent Soldier, the Hammer of the North, had struck the shackles off the slave only, as so many conquerors in civil strife before him had done, to rivet them around the wrists of freemen, then the war would have been fought in vain, and worse than in vain. If the Union which so many men shed their blood to restore, were not now a Union in fact, then the precious blood would have been wasted. But it was not wasted; for the work of peace has made good the work of war, and North and South, East and West, we are one people in fact as well as in name; one in purpose, in fellow feeling and in high resolve, as we stand to greet the new century,

and, high of heart, to face the mighty tasks which the coming years will surely bring.

Grant and his fellow soldiers who fought through the war, and his fellow statesmen who completed the work partly done by the soldiers, not only left us the heritage of a reunited country and of a land from which slavery had been banished, but left us what was quite as important, the great memory of their great deeds, to serve forever as an example and an inspiration, to spur us on so that we may not fall below the level reached by our fathers. The rough, strong poet of democracy has sung of Grant as "the man of mighty days, and equal to the days." The days are less mighty now; and that is all the more reason why we should show ourselves equal to them. We meet here to pay glad homage to the memory of our illustrious dead; but let us keep ever clear before our minds the fact that mere lip loyalty is no loyalty at all, and that the only homage that counts is the homage of deeds, not of words. It is but an idle waste of time to celebrate the memory of the dead unless we, the living, in our lives strive to show ourselves not unworthy of them. If the careers of Washington and Grant are not vital and full of meaning to us, if they are merely part of the storied past, and stir us to no eager emulation in the ceaseless, endless war for right against wrong, then the root of right thinking is not in us; and where we do not think right we cannot act right.

It is not my purpose in this address to sketch in even the briefest manner the life and deeds of General Grant. It is not even my purpose to touch on the points where Grant's influence has told so tremendously in the making of our history. It is part of the man's greatness that now

we can use his career purely for illustration. We can take for granted the fact that each American who knows the history of the country must know the history of this man, at least in its broad outline; and that we no more need to explain Vicksburg and Appomattox than we need to explain Yorktown. I shall ask attention not to Grant's life, but to the lessons taught by that life as we of to-day should learn them.

Foremost of all, the lesson of tenacity, of stubborn fixity of purpose. In the Union armies there were generals as brilliant as Grant, but none with his iron determination. This quality he showed as President no less than as General. He was no more to be influenced by a hostile majority in Congress into abandoning his attitude in favor of a sound and stable currency, than he was to be influenced by check or repulse into releasing his grip on beleaguered Richmond. It is this element of unshakable strength to which we are apt specially to allude when we praise a man in the simplest and most effective way, by praising him as a man. It is the one quality which we can least afford to lose. It is the only quality, the lack of which is as unpardonable in the nation as in the man. It is the antithesis of levity, fickleness, volatility, of undue exaltation, of undue depression, of hysteria and neuroticism, in all their myriad forms. The lesson of unyielding, unflinching, unfaltering perseverance in the course upon which the nation has entered, is one very necessary for a generation whose preachers sometimes dwell over-much on the policies of the moment. There are not a few public men, not a few men who try to mould opinion within Congress and without, on the stump and in the daily press, who seem to aim at instability, who pander to and thereby

increase the thirst for over-statement of each situation as it arises, whose effort is, accordingly, to make the people move in zig-zags instead of in a straight line. We all saw this in the Spanish war, when the very men who at one time branded as traitors everybody who said there was anything wrong in the army, at another time branded as traitors everybody who said there was anything right. Of course, such an attitude is as unhealthy on one side as on the other, and it is equally destructive of any effort to do away with abuse.

Historics of this kind may have all the results of extreme timidity. A nation that has not the power of endurance, the power of dogged insistence on a determined policy, come weal or woe, has lost one chief element of greatness. The people who wish to abandon the Philippines because we have had heavy skirmishing out there, or who think that our rule is a failure whenever they discover some sporadic upgrowth of evil, would do well to remember the two long years of disaster this nation suffered before the July morning when the news was flashed to the waiting millions that Vicksburg had fallen in the West and that in the East the splendid soldiery of Lee had recoiled at last from the low hills of Gettysburg. Even after this nearly two years more were to pass before the end came at Appomattox. Throughout this time the cry of the prophets of disaster never ceased. The peace-at-any-price man never wearied of declaring against the war, of describing the evils of conquest and subjugation as worse than any possible benefits that could result therefrom. The hysterical minority passed alternately from unreasoning confidence to unreasoning despair; and at times they even infected for the moment many of their

sober, steady countrymen. Eighteen months after the war began the State and Congressional elections went heavily against the war party, and two years later the opposition party actually waged the Presidential campaign on the issue that the war was a failure. Meanwhile there was plenty of blundering at the front, plenty of mistakes at Washington. The country was saved by the fact that our people as a whole were steadfast and unshaken. Both at Washington and at the front the leaders were men of undaunted resolution, who would not abandon the policy to which the nation was definitely committed; who regarded disaster as merely a spur to fresh effort; who saw in each blunder merely something to be retrieved and not a reason for abandoning the long determined course. Above all, the great man of the people possessed a tough and stubborn fibre of character. There was ample room for criticism, and there was every reason why mistakes should be corrected. But in the long run our gratitude was due primarily not to the critics, not to the fault-finders, but to the man who actually did the work; not to the men of negative policy, but to those who struggled towards the given goal. Merciful oblivion has swallowed up the names of those who railed at the men who were saving the Union, while it has given us the memory of these same men as a heritage of honor forever; and brightest among their names flame the names of Lincoln and Grant, the steadfast, the unswerving, the enduring, the finally triumphant.

Grant's supreme virtue as a soldier was his doggedness, the quality which found expression in his famous phrases of "unconditional surrender" and "fighting it out on this line if it takes all summer." He was a master of strategy and

tactics, but he was also a master of hard hitting, of that "continuous hammering" which finally broke through even Lee's guard. While an armed foe was in the field, it never occurred to Grant that any question could be so important as his overthrow. He felt nothing but impatient contempt for the weak souls who wished to hold parley with the enemy while that enemy was still capable of resistance.

There is a fine lesson in this to the people who have been asking us to invite the certain destruction of our power in the Philippines, and therefore the certain destruction of the islands themselves, by putting any concession on our part ahead of the duty of reducing the islands to quiet at all costs and of stamping out the last embers of armed resistance. At the time of the Civil War the only way to secure peace was to fight for it, and it would have been a crime against humanity to have stopped fighting before peace was conquered. So in the far less important, but still very important, crisis which confronts us to-day, it would be a crime against humanity if whether from weakness or from mistaken sentimentalism, we failed to perceive that in the Philippines the all important duty is to restore order; because peace, and the gradually increasing measure of self-government for the islands which will follow peace, can only come when armed resistance has completely vanished.

Grant was no brawler, no lover of fighting for fighting's sake. He was a plain, quiet man, not seeking for glory; but a man who when aroused was always in deadly earnest, and who never shrank from duty. He was slow to strike, but he never struck softly. He was not in the least of the type which gets up mass meetings, makes inflammatory

speeches or passes inflammatory resolutions, and then permits over-forcible talk to be followed by over-feeble action. His promise squared with his performance. His deeds made good his words. He did not denounce an evil in strained and hyperbolic language; but when he did denounce it, he strove to make his denunciation effective by his action. He did not plunge lightly into war, but once in, he saw the war through, and when it was over, it was over entirely. Unsparing in battle, he was very merciful in victory. There was no let up in his grim attack, his grim pursuit, until the last body of armed foes surrendered. But that feat once accomplished, his first thought was for the valiant defeated; to let them take back their horses to their little homes because they would need them to work on their farms. Grant, the champion whose sword was sharpest in the great fight for liberty, was no less sternly insistent upon the need of order and of obedience to law. No stouter foe of anarchy in every form ever lived within our borders. The man who more than any other save Lincoln had changed us into a nation whose citizens were all freemen, realized entirely that these freemen would remain free only while they kept mastery over their own evil passions. He saw that lawlessness in all its forms was the hand maiden of tyranny. No nation ever yet retained its freedom for any length of time after losing its respect for the law, after losing the law-abiding spirit, the spirit that really makes orderly liberty.

Grant in short stood for the great elementary virtues, for justice, for freedom, for order, for unyielding resolution, for manliness in its broadest and highest sense. His greatness was not so much greatness of intellect as greatness of character, including in the word "character" all the strong

virile virtues. It is character that counts in a nation as in a man. It is a good thing to have a keen, fine intellectual development in a nation, to produce orators, artists, successful business men; but it is an infinitely greater thing to have those solid qualities which we group together under the name of character — sobriety, steadfastness, the sense of obligation towards one's neighbor and one's God, hard common sense, and, combined with it, the lift of generous enthusiasm towards whatever is right. These are the qualities which go to make up true national greatness, and these were the qualities which Grant possessed to an eminent degree.

We have come here then to realize what the mighty dead did for the nation, what the dead man did for us who are now living. Let us in return try to shape our deeds so that the America of the future shall justify by her career the lives of the great men of her past. Every man who does his duty as a soldier, as a statesman or as a private citizen, is paying to Grant's memory the kind of homage that is best worth paying. We have difficulties and dangers enough in the present, and it is the way we face them which is to determine whether or not we are fit descendants of the men of the mighty past. We must not flinch from our duties abroad merely because we have even more important duties at home. That these home duties are the most important of all, every thinking man will freely acknowledge. We must do our duty to ourselves and our brethren in the complex social life of the time. We must possess the spirit of broad humanity, deep charity and loving kindness for our fellow men; and must remember at the same time that this spirit is really the absolute antithesis of mere sentimentalism, of soup-

kitchen, pauperizing philanthropy, and of legislation which is inspired either by foolish mock-benevolence or by class greed or class hate. We need to be possessed of the spirit of justice and no less by the spirit which recognizes in work and not ease the proper end of efforts.

Of course the all-important thing to keep in mind is that if we have not both strength and virtue we shall fail. Indeed in the old acceptation of the word, virtue included strength and courage, for the clear-sighted men at the dawn of our era knew that the passive virtues could not by themselves avail, that wisdom without courage would sink into mere cunning, and courage without morality into ruthless lawlessness, self-destructive ferocity. The iron Roman made himself lord of the world because to the courage of the barbarian he opposed a courage as fierce and an infinitely keener mind; while his civilized rivals, the keen-witted Greek and Carthaginian, though of even finer intellect, had let corruption eat into their brilliant civilizations until their strength had been corroded as if by acid. In short, the Roman had character as well as masterful genius, and when pitted against peoples either of less genius or of less character, these peoples went down.

As the ages have rolled by the eternal problem forever fronting each man and each race, forever shifts its outward shape; and yet at the bottom it is always the same. There are dangers of peace and dangers of war; dangers of excess in militarism and of excess by the avoidance of duty that implies militarism; dangers of slow dry rot and dangers which become acute only in great crises. When these crises come, the nation will triumph or sink accordingly as it produces or fails to produce statesmen like

Lincoln and soldiers like Grant, and accordingly as it does or does not back them up in their efforts. We do not need men of unsteady brilliancy, or erratic power — unbalanced men. The men we need are the men of strong, earnest, solid character — the men who possess the homely virtues, and who to these virtues add rugged courage, rugged honesty and high resolve. Grant, with his self-poise, his self-command, his self-mastery; Grant, who loved peace and did not fear war, who would not draw the sword if he could honorably keep it sheathed, but who when once he had drawn it would not return it to the sheath until the weary years had brought the blood-won victory; Grant, who had no thought after the fight was won save of leading the life led by other Americans, and who aspired to the Presidency only as Zachary Taylor or Andrew Jackson had aspired to it; Grant was of a type upon which the men of to-day can well afford to model themselves.

Of course, our first duty, our most important work is setting our own house in order. We must be true to ourselves or else in the long run we shall be false to all others. The republic cannot stand if honesty and decency do not prevail alike in public and private life; if we do not set ourselves seriously at work to solve the tremendous social problems forced upon us by the far-sweeping industrial changes of the last two generations.

But in considering the life of Grant, it is peculiarly appropriate to remember that besides the regeneration in political and social life within our own borders, we must also face what has come upon us from without. No friendliness with other nations, no good will, for them or by them, can take the place of national self-reliance. No alliance, no inoffensive conduct on our part, would supply,

in time of need, the failure in ability to hold our own with strong hands. We should work out our own destiny by our own strength. A vigorous young nation like ours does not always stay still. Now and then there comes a time when it is sure either to shrink or to expand. Grant saw to it that we did not shrink, and therefore we had to expand when the inevitable moment came.

Great duties face us in the islands where the stars and stripes now float in place of the arrogant flag of Spain. As we perform those duties well or ill, so will we in large part determine our right to a place among the great nations of the earth. We have got to meet them in the very spirit of Grant. If we are frightened at the task, above all if we are cowed or disheartened by any check or by the clamor of the sensation monger, we shall show ourselves weaklings unfit to invoke the memories of the stalwart men who fought to a finish the great Civil War. If we do not rule wisely, and if our rule is not in the interest of the peoples who have come under our guardianship, then we had best never to have begun the effort at all. As a nation we shall have to choose our representatives in these islands as carefully as Grant chose the generals who were to serve at the vital points under him. Fortunately so far the choice has been most wise. No nation has ever sent a better man than we sent to Cuba when President McKinley appointed as governor general of that island, Leonard Wood; and now in sending Judge Taft at the head of the commission to the Philippines the President has again chosen the very best man to be found in all the United States for the purpose in view.

Part of Grant's great strength lay in the fact that he faced facts as they were and not as he wished they might

be. He was not originally an abolitionist and he probably could not have defined his views as to state sovereignty; but when the Civil War was on, he saw that the only thing to do was to fight it to a finish and establish by force of arms the constitutional right to put down rebellion. It is just the same thing nowadays with expansion. It has come, and it has come to stay, whether we wish it or not. Certain duties have fallen to us as a legacy of the war with Spain, and we cannot avoid performing them. All we can decide is whether we will perform them well or ill. We cannot leave the Philippines. We have got to stay there, establish order and then give the inhabitants as much self-government as they show they can use to advantage. We cannot run away if we would. We have got to see the work through, because we are not a nation of weaklings. We are strong men, and we intend to do our duty.

To do our duty; that is the sum and substance of the whole matter. We are not trying to win glory. We are not trying to do anything especially brilliant or unusual. We are setting ourselves vigorously at each task as the task arises, and we are trying to face each difficulty as Grant faced innumerable and infinitely greater difficulties. The sure way to succeed is to set about our work in the spirit that marked the great soldier whose life we this day celebrate; the spirit of devotion to duty, of determination to deal fairly, justly and fearlessly with all men, and of iron resolution never to abandon any task once begun until it has been brought to a successful and triumphant conclusion.

ADDRESS AT THE MERCHANTS' ASSOCIATION DINNER, TO
ITS PRESIDENT, WM. F. KING, NEW YORK CITY,
MAY 25, 1900.

MR. PRESIDENT AND GENTLEMEN: I am particularly glad to have the chance of meeting the members of this association because of the excellent work they did in connection with the Ramapo business. I have asked the charter commission to put itself in communication with you on this subject. I hope that by next year we can have framed some law which shall either do away with the excessive powers granted to the Ramapo Company, or better still shall render it obligatory upon the city to own its own water supply, the details of the system being worked out with due regard to the rights both of the municipality itself and of the localities from which the water supply is drawn.

Incidentally, you rendered great service by the showing you made as to the defects in municipal management, not only as regards the particular question of water supply, but generally.

Waste is the largest single element in municipal finance. It persists largely because taxpayers cannot properly analyze public outlays. It could be greatly lessened by a system of public accounts and reports which would separate the wasteful from the useful outlays and subject them frequently and in a concise form to the scrutiny of taxpayers.

All important business enterprises are managed by the aid of analytical reports which summarize results and subject every element of cost to scrutiny and to the test of frequent comparison with fixed standards or previous

results. Such reports reduce everything to percentages and expose any variation from normal ratios of outlay. Abnormal outlay is instantly localized, investigated, and if due to waste is checked. The essential principles of the system are exact analysis, clear summary, and test by comparison.

The application of these principles has been highly developed in the management of railroads, great corporations, and especially in large manufacturing enterprises. In those classes it has almost abolished the element of preventable waste, by segregating and thereby checking it. A system of exact analysis, classification, and record, has created exact standards of comparison, and, therefore, rigid tests of results and efficiency.

The analytic accounting that business men find indispensable is practically unknown to municipal management. If it were both general and uniform in all cities of the same class, throughout the State, it would in all likelihood greatly reduce outlay by stopping waste, and improve the public service by fixing high standards of administration. Of course, if the people as a whole continued indifferent, the waste and extravagance would also continue; but at least there would be a chance of stopping them. Good legislation does not secure good government, which can come only through a good administration; but wise laws will enable the citizens of each municipality to get good government if they choose. Albany, Troy, Syracuse, Utica, Auburn, Rochester and Buffalo might well have a uniform plan of administration, identical departments with identical duties, and a uniform system of accounting. In monthly reports made to and published by a State Commission of Municipal

Accounts, every class of outlay in all of those cities might be published in parallel columns, both by totals and reduced to ratios, for comparison. It would be difficult and dangerous for officials to waste money under such scrutiny.

The steady increase of taxation in this city, either by higher tax rates or higher valuations, has become so serious a matter that it counts heavily against profitable investment here. Other exactions of various kinds are borne by New York business interests from which other leading cities are free. The net earnings of both rents and business capital are much impaired by this cause; and both business men and estate owners are more and more alarmed at the growing demands upon them.

It is very probable that the waste in the public business of this city is enormous. The public reports are worthless as a preventive, for under the present system it is impossible to analyze the public business effectively. To show the need of analysis I may mention an instance dug out in your water inquiry which showed at least \$75,000 waste in one department.

The proper remedy is the application to the public business of the methods which have been found essential and effective in the management of private business affairs. The whole subject of municipal accounting and municipal reports should be exhaustively investigated, and plans prepared, either by a legislative committee or otherwise, for each of the several classes of cities in order to enable accurate comparisons of outlays to be made.

AT THE CHICAGO LABOR DAY PICNIC, SEPTEMBER 3, 1900

MR. CHAIRMAN, LADIES AND GENTLEMEN: By far the greatest problem, the most far-reaching in its stupendous importance, is that problem, or rather that group of problems, which we have grown to speak of as the labor question. It must be always a peculiar privilege for any thoughtful public man to address a body of men predominantly composed of wage workers, for the foundation of our whole social structure rests upon the material and moral well-being, the intelligence, the foresight, the sanity, the sense of duty and the wholesome patriotism of the wage worker. This is doubly the case now; for, in addition to each man's individual action, you have learned the great lesson of acting in combination. It would be impossible to overestimate the far-reaching influences of, and on the whole, the amount of good done through your associations. In addressing you, the one thing that I wish to avoid is any mere glittering generality, any mere high-sounding phraseology, and above all, any appeal whatsoever made in a demagogic spirit, or in a spirit of mere emotionalism. When we come to dealing with our social and industrial needs, remedies, rights and wrongs, a ton of oratory is not worth an ounce of hard-headed, kindly common sense.

The fundamental law of healthy political life in this great republic is that each man shall in deed, and not merely in word, be treated strictly on his worth as a man; that each shall do full justice to his fellow, and in return shall exact full justice from him. Each group of men has its special interests; and yet the higher, the broader and deeper interests are those which apply to all men alike;

for the spirit of brotherhood in American citizenship, when rightly understood and rightly applied, is more important than aught else. Let us scrupulously guard the special interests of the wage worker, the farmer, the manufacturer and the merchant, giving to each man his due and also seeing that he does not wrong his fellows; but let us keep ever clearly before our minds the great fact that, where the deepest chords are touched, the interests of all are alike and must be guarded alike.

We must beware of any attempt to make hatred in any form the basis of action. Most emphatically each of us needs to stand up for his own rights; all men and all groups of men are bound to retain their self-respect, and, demanding this same respect from others, to see that they are not injured and that they have secured to them the fullest liberty of thought and action. But to feed fat a grudge against others, while it may or may not harm them, is sure in the long run to do infinitely greater harm to the man himself.

The more a healthy American sees of one's fellow Americans the greater grows his conviction that our chief troubles come from mutual misunderstanding, from failure to appreciate one another's point of view. In other words, the great need is fellow feeling, sympathy, brotherhood; and all this naturally comes by association. It is, therefore, of vital importance that there should be such association. The most serious disadvantage in city life is the tendency of each man to keep isolated in his own little set, and to look upon the vast majority of his fellow citizens indifferently, so that he soon comes to forget that they have the same red blood, the same love and hate, the same likes and dislikes, the same desire for good, and

the same perpetual tendency, ever needing to be checked and corrected, to lapse from good into evil. If only our people can be thrown together, where they act on a common ground with the same motives and have the same objects, we need not have much fear of their failing to acquire a genuine respect for one another; and with such respect there must finally come fair play for all.

The first time I ever labored alongside of and got thrown into intimate companionship with men who were mighty men of their hand, was in the cattle country of the Northwest. I soon grew to have an immense liking and respect for my associates, and as I knew them, and did not know similar workers in other parts of the country, it seemed to me then the ranch owner was a great deal better than any Eastern business man, and that the cowpuncher stood on a corresponding altitude compared to any of his brethren in the East.

Well, after a little while I got thrown into close relations with the farmers, and it did not take long before I had moved them up alongside of my beloved cowmen, and made up my mind that they really formed the backbone of the land. Then, because of certain circumstances, I was thrown into intimate contact with railroad men; and I gradually came to the conclusion that these railroad men were about the finest citizens there were anywhere around. Then, in the course of some official work, I was thrown into close contact with a number of the carpenters, blacksmiths and men in the building trades — that is, skilled mechanics of a high order, and it was not long before I had them on the same pedestal with the others. By that time it began to dawn on me that the difference was not in the men but in my own point of view, and that if any man is thrown

into close contact with any large body of our fellow citizens, it is apt to be the man's own fault if he does not grow to feel for them a very hearty regard and, moreover, grow to understand that on the great questions that lie at the root of human well-being, he and they feel alike.

Our prime need as a nation is that every American should understand and work with his fellow citizens, getting into touch with them so that by actual contact he may learn that fundamentally he and they have the same interests, needs and aspirations.

Of course, different sections of the community have different needs. The gravest questions that are before us, the questions that are for all time, affect us all alike. But there are separate needs which affect separate groups of men, just as there are separate needs that affect each individual man. It is just as unwise to forget the one fact as it is to forget the other. The specialization of our modern industrial life, its high development and complex character, means a corresponding specialization in needs and interests. While we should, so long as we can safely do so, given to each individual the largest possible liberty, a liberty which necessarily includes initiative and responsibility, yet we must not hesitate to interfere whenever it is clearly seen that harm comes from excessive individualism. We cannot afford to be empirical one way or the other. In the country districts the surroundings are such that a man can usually work out his own fate by himself to the best advantage. In our cities, or where men congregate in masses, it is often necessary to work in combination; that is, through associations; and here it is that we can see the great good conferred by labor organizations, by trade unions. Of course, if managed unwisely,

the very power of such a union or organization makes it capable of doing much harm; but, on the whole, it would be hard to overestimate the good these organizations have done in the past; and still harder to estimate the good they can do in the future if handled with resolution, forethought, honesty and sanity.

It is not possible to lay down a hard-and-fast rule, logically perfect, as to when the State shall, and when the individual shall be left unhampered and unhelped.

We have exactly the same right to regulate the conditions of life and work in factories and tenement houses that we have to regulate fire escapes and the like in other houses. In certain communities the existence of a thoroughly efficient department of factory inspection is just as essential as the establishment of a fire department. How far we shall go in regulating the hours of labor, or the liabilities of employers, is a matter of expediency, and each case must be determined on its own merits, exactly as it is a matter of expediency to determine what so-called "public utilities" the community shall itself own and what ones it shall leave to private or corporate ownership, securing to itself merely the right to regulate. Sometimes one course is expedient, sometimes the other.

In my own State during the last half dozen years we have made a number of notable strides in labor legislation, and, with very few exceptions, the laws have worked well. This is, of course, partly because we have not tried to do too much and have proceeded cautiously, feeling our way; and, while always advancing, yet taking each step in advance only when we were satisfied that the step already taken was in the right direction. To invite reaction by unregulated zeal is never wise, and is sometimes fatal.

In New York our action has been along two lines. In the first place we determined that as an employer of labor the State should set a good example to other employers. We do not intend to permit the people's money to be squandered or to tolerate any work that is not the best. But we think that while rigidly insisting upon good work, we should see that there is fair play in return. Accordingly, we have adopted an eight-hour law for the State employees and for all contractors who do State work, and we have also adopted a law requiring that the fair market rate of wages shall be given. I am glad to say that both measures have so far, on the whole, worked well. Of course, there have been individual difficulties, mostly where the work is intermittent, as, for instance, among lock tenders on the canals, where it is very difficult to define what eight hours' work means. But on the whole, the result has been good. The practical experiment of working men for eight hours has been advantageous to the State. Poor work is always dear, whether poorly paid or not, and good work is always well worth having; and as a mere question of expediency, aside even from the question of humanity, we find that we can obtain the best work by paying fair wages and permitting the work to go on only for a reasonable time.

The other side of our labor legislation has been that affecting the wage workers who do not work for the State. Here we have acted in three different ways: Through the Bureau of Labor Statistics, through the Board of Mediation and Arbitration, and through the Department of Factory Inspection.

During the last two years the Board of Mediation and Arbitration has been especially successful. Not only have

they succeeded in settling many strikes after they were started, but they have succeeded in preventing a much larger number of strikes before they got fairly under way. Where possible it is always better to mediate before the strike begins than to try to arbitrate when the fight is on and both sides have grown stubborn and bitter.

The Bureau of Labor Statistics has done more than merely gather the statistics, for by keeping in close touch with all the leading labor interests it has kept them informed on countless matters that were really of vital concern to them. Incidentally, one pleasing feature of the work of this bureau has been the steady upward tendency shown during the last four years both in amount of wages received and in the quantity and steadiness of employment. No other man has benefited so much as the wage worker by the growth in prosperity during these years.

The Factory Inspection Department deals chiefly, of course, with conditions in great cities. One very important phase of its work during the last two years has been the enforcement of the anti-sweatshop law, which is primarily designed to do away with the tenement house factory. The conditions of life in some of the congested tenement house districts, notably in New York city, had become such as to demand action by the State. As with other reforms, in order to make it stable and permanent, it had to be gradual. It proceeded by evolution, not revolution. But progress has been steady, and wherever needed it has been radical. Much remains to be done, but the condition of the dwellers in the congested districts has been markedly improved, to the great benefit not only of themselves, but of the whole community.

A word on the general question. In the first place, in addressing an audience like this I do not have to say that the law of life is work, and that work in itself, so far from being any hardship, is a great blessing, provided, always, it is carried on under conditions which preserve a man's self-respect and which allow him to develop his own character and rear his children so that he and they, as well as the whole community of which he and they are part, may steadily move onward and upward. The idler, rich or poor, is at best a useless and is generally a noxious member of the community. To whom much has been given, from him much is rightfully expected, and a heavy burden of responsibility rests upon the man of means to justify by his actions the social conditions which have rendered it possible for him or his forefathers to accumulate and to keep the property he enjoys. He is not to be excused if he does not render full measure of service to the State and to the community at large. There are many ways in which this service can be rendered; in art, in literature, in philanthropy; as a statesman, as a soldier; but in some way he is in honor bound to render it; so that benefit may accrue to his brethren who have been less favored by fortune than he has been. In short, he must work, and work not only for himself, but for others. If he does not work, he fails not only in his duty to the rest of the community, but he fails signally in his duty to himself. There is no need of envying the idle. Ordinarily, we can afford to treat them with impatient contempt; for when they fail to do their duty they fail to get from life the highest and keenest pleasure that life can give.

To do our duty; that is the summing up of the whole matter. We must do our duty by ourselves and we must

do our duty by our neighbors. Every good citizen, whatever his condition, owes his first service to those who are nearest to him, who are dependent upon him, to his wife and his children; next he owes his duty to his fellow citizens; and this duty he must perform both to his individual neighbor and to the State, which is simply a form of expression for all his neighbors combined. He must keep his self-respect and exact the respect of others. It is eminently wise and proper to strive for such leisure in our lives as will give a chance for self-improvement; but, woe to the man who seeks, or trains up his children to seek, idleness instead of the chance to do good work. * No worse wrong can be done by a man to his children than to teach them to go through life endeavoring to shirk difficulties instead of meeting them and overcoming them. You men, here in the West, have built up this country not by seeking to avoid work, but by doing it well; not by flinching from every difficulty, but by triumphing over each as it arose and making out of it a stepping stone to further triumph.

We must all learn the two lessons — the lesson of self-help and the lesson of giving help to and receiving help from our brother. There is not a man of us who does not sometimes slip; who does not sometimes need a helping hand; and woe to him who, when the chance comes, fails to stretch out that helping hand. Yet, though each man can and ought thus to be helped at times, he is lost beyond redemption if he becomes so dependent upon outside help that he feels that his own exertions are secondary. Any man at times will stumble, and it is then our duty to lift him up and set him on his feet again; but no man can be

permanently carried, for if he expects to be carried he shows that he is not worth carrying.

Before us loom industrial problems, vast in their importance and their complexity. The last half century has been one of extraordinary social and industrial development. The changes have been far-reaching; some of them for good, and some of them for evil. It is not given to the wisest of us to see into the future with absolute clearness. No man can be certain that he has found the entire solution of this infinitely great and intricate problem, and yet each man of us if he would do his duty must strive manfully so far as in him lies to help bring about that solution. It is not as yet possible to say what shall be the exact limit of influence allowed the State or what limit shall be set to that right of individual initiative so dear to the hearts of the American people. All we can say is that the need has been shown on the one hand for action by the people in their collective capacity through the State, in many matters; that in other matters much can be done by associations of different groups of individuals, as in trades unions and similar organizations; and that in other matters it remains now as true as ever that final success will be for the man who trusts in the struggle only to his cool head, his brave heart, and his strong right arm. There are spheres in which the State can properly act, and spheres in which a comparatively free field must be given to individual initiative.

Though the conditions of life have grown so puzzling in their complexity, though the changes have been so vast, yet we may remain absolutely sure of one thing, that now, as ever in the past, and as it ever will be in the future, there can be no substitute for the elemental virtues, for

the elemental qualities to which we allude when we speak of a man as not only a good man but as emphatically a man. We can build up the standard of individual citizenship and individual well-being, we can raise the national standard and make it what it can and shall be made, only by each of us steadfastly keeping in mind that there can be no substitute for the world-old, humdrum, commonplace qualities of truth, justice and courage, thrift, industry, common sense and genuine sympathy with and fellow feeling for others. The nation is the aggregate of the individual composing it, and each individual American ever raises the nation higher when he so conducts himself as to wrong no man, as to suffer no wrong from others, and as to show both his sturdy capacity for self-help and his readiness to extend a helping hand to the neighbor sinking under a burden too heavy for him to bear.

The one fact which all of us need to keep steadfastly before our eyes is the need that performance should square with promise if good work is to be done, whether in the industrial or in the political world. Nothing does more to prompt mental dishonesty and moral insincerity than the habit either of promising the impossible, or of demanding the performance of the impossible; or, finally, of failing to keep a promise that has been made; and it makes not the slightest difference whether it is a promise made on the stump or off the stump. Remember that there are two sides to the wrong thus committed. There is, first, the wrong of failing to keep a promise made, and, in the next place, there is the wrong of demanding the impossible, and, therefore, forcing or permitting weak or unscrupulous men to make a promise which they either know, or should know, cannot be kept. No small part

of our troubles in dealing with many of the gravest social questions, such as the so-called labor question, the trust question, and others like them, arises from these two attitudes. We can do a great deal when we undertake, soberly, to do the possible. When we undertake the impossible we too often fail to do anything at all. The success of the law for the taxation of franchises recently enacted in New York State, a measure which has resulted in putting upon the assessment books nearly \$200,000,000 worth of property which had theretofore escaped taxation, is an illustration of how much can be accomplished when effort is made along sane and sober lines, with care not to promise the impossible but to make performance square with promise, and with insistence on the fact that honesty is never one-sided, and that in dealing with corporations it is necessary both to do to them and to exact from them full and complete justice. The success of this effort made in a resolute but also a temperate and reasonable spirit, shows what can be done when such a problem is approached in a sound and healthy manner. It offers a striking contrast to the complete breakdown of the species of crude and violent anti-trust legislation which has been so often attempted and which has always failed, because of its very crudeness and violence, to make any impression upon the real and dangerous evils which have excited such just popular resentment.

I thank you for listening to me. I have come here to-day not to preach to you, but partly to tell you how these matters look and seem to me, and partly to set forth certain facts which seem to me to show the essential community that there is among all of us who strive in good faith to do our duty as American citizens. No man can do his

duty who does not work, and the work may take many different shapes, mental and physical, but of this you can rest assured, that this work can be done well for the nation only when each of us approaches his separate task, not only with the determination to do it, but with the knowledge that his fellow, when he in his turn does his task, has fundamentally the same rights and the same duties, and that while each must work for himself, yet that each must also work for the common welfare of all.

On the whole, we shall all go up or go down together. Some may go up or go down further than others, but disregarding special exceptions the rule is that we must all have to share in common something of whatever adversity or whatever prosperity is in store for the nation as a whole. In the long run each section of the community will rise or fall as the community rises or falls. If hard times comes to the nation, whether as the result of natural causes or because they are invited by our own folly, all of us will suffer. Certain of us will suffer more, and others less, but all will suffer somewhat. If, on the other hand, Providence, our own energy and good sense bring prosperity to us, all will share in that prosperity. We will not all share alike, but something each one of us will get. Let us strive to make the conditions of life such that as nearly as possible each man shall receive the share to which he is honestly entitled and no more; and let us remember at the same time that our efforts must be to build up, rather than to strike down, and that we can best help ourselves, not at the expense of others, but by heartily working with them for the common good of each and all.

ADDRESS BEFORE THE Y. M. C. A., CARNEGIE HALL,
NEW YORK CITY, DECEMBER 30, 1900

LADIES AND GENTLEMEN: It is a peculiar pleasure to me to come before you to-night to greet you and to bear testimony to the great good that has been done by these Young Men's and Young Women's Christian Associations throughout the United States. More and more we are getting to recognize the law of combination. This is true of many phases in our industrial life, and it is equally true of the world of philanthropic effort. Nowhere is it, or will it ever be, possible to supplant individual effort, individual initiative; but in addition to this, there must be work in combination. More and more this is recognized as true not only in charitable work proper, but in that best form of philanthropic endeavor where we all do good to ourselves by all joining together to do good to one another. This is exactly what is done in your associations.

It seems to me that there are several reasons why you are entitled to especial recognition from all who are interested in the betterment of our American social system. First and foremost your organization recognizes the vital need of brotherhood, the most vital of all our needs here in this great Republic. The existence of a Young Men's or Young Women's Christian Association is certain proof that some people at least recognize in practical shape the identity of aspiration and interest, both in things material and in things higher, which with us must be widespread through the masses of our people, if our national life is to attain full development. This spirit of brotherhood recognizes of necessity both the need of self-help and also the need of helping others in the only way which ever ulti-

mately does great good; that is, of helping them to help themselves. Every man of us needs such help at some time or other, and each of us should be glad to stretch out his hand to a brother who stumbles. But while every man needs at times to be lifted up when he stumbles, no man can afford to let himself be carried, and it is worth no man's while to try thus to carry some one else. The man who lies down, who will not try to walk, has become a mere cumberer of the earth's surface.

These associations of yours try to make men self-helpful and to help them when they are self-helpful. They do not try merely to carry them, to benefit them for the moment at the cost of their future undoing. This means that all in any way connected with them not merely retain but increase their self-respect. Any man who takes part in the work of such an organization is benefited to some extent and benefits the community to some extent — of course, always with the proviso that the organization is well managed, and is run on a business basis, as well as with a philanthropic purpose.

The feeling of brotherhood is necessarily as remote from patronizing spirit, on the one hand, as from a spirit of envy and malice on the other. The best work for our uplifting must be done by ourselves, and yet with brotherly kindness for our neighbor. In such work, and, therefore, in the kind of work done by the Young Men's Christian Associations, we all stand on the self-respecting basis of mutual benefit and common effort. All of us who take part in any such work in whatever measure both receive and confer benefits. This is true of the founder and giver and it is no less true of every man who takes advantage of what the founder and giver have done. These bodies make

us all realize how much we have in common, and how much we can do when we work in common. I doubt if it is possible to overestimate the good done by the mere fact of association with a common interest and for a common end, and when the common interest is high and the common end peculiarly worthy, the good done is of course many times increased.

Besides developing this sense of brotherhood, the feeling which breeds respect both for one's self and for others, your associations have a peculiar value in showing what can be done by acting in combination without aid from the State. While on the one hand it has become evident that under the conditions of modern life we cannot allow an unlimited individualism which may work harm to the community, it is no less evident that the sphere of the State's action should be extended very cautiously, and so far as possible only where it will not crush out healthy individual initiative. Voluntary action by individuals in the form of associations of any kind for mutual betterment or mutual advantage often offer a way to avoid alike the danger of State control and the dangers of excessive individualism. This is particularly true of efforts for that most important of all forms of betterment, moral betterment — the moral betterment which usually brings material betterment in its train.

It is only in this way by all of us working together in a spirit of brotherhood, by each doing his part for the betterment of himself and of others that it is possible for us to solve the tremendous problems with which as a nation we are now confronted. Our industrial life has become so complex, its rate of movement so very rapid, and the specialization and differentiation so intense that we find

ourselves face to face with conditions that were practically unknown in this nation half a century ago. The power of the forces of evil has been greatly increased, and it is necessary for our self-preservation that we should similarly strengthen the forces for good. We are all of us bound to work towards this end. No one of us can do everything, but each of us can do something, and if we work together the aggregate of these somethings will be very considerable.

There are, of course, a thousand different ways in which the work can be done, and each man must choose as his tastes and his powers bid him, if he is to do the best of which he is capable. But all the kinds of work must be carried along on certain definite lines if good is to come. All the work must be attempted as on the whole this Young Men's Christian Association work has been done; that is, in a spirit of good will towards all and not of hatred towards some; in a spirit in which to broad charity for mankind there is added a keen and healthy sanity of mind. We must retain our self-respect, each and all of us, and we must beware alike of mushy sentimentality and of envy and of hatred.

It ought not to be necessary for me to warn you against mere sentimentality, against the philanthropy and charity which are not merely insufficient but harmful. It is eminently desirable that we should none of us be hard-hearted, but it is no less desirable that we should not be soft-headed. I really do not know which quality is most productive of evil to mankind in the long run, hardness of heart or softness of head. Naked charity is not what we permanently want. There are of course certain classes, such as young children, widows with large families or crip-

pled or very aged people, of even strong men temporarily crushed by stunning misfortune, on whose behalf we may have to make a frank and direct appeal to charity, and who can be the recipients of it without any loss of self-respect. But taking us as a whole, taking the mass of Americans, we do not want charity, we do not want sentimentality; we merely want to learn how to act both individually and together in such fashion as to enable us to hold our own in the world, to do good to others according to the measure of our opportunities, and to receive good from others in ways which will not entail on our part any loss of self-respect.

It ought to be no less unnecessary to say that any man who tries to solve the great problems that confront us by an appeal to anger and passion, to ignorance and folly, to malice and envy, is not, and never can be, aught but an enemy of the very people he professes to befriend. In the words of Lowell, it is far safer to adopt "All men up than some men down" for a motto. Speaking broadly we cannot in the long run benefit one man by the downfall of another. Our energies can as a rule be employed to much more better advantage in uplifting some than in pulling down others. Of course there must sometimes be pulling down too. We have no business to blink evils, and where it is necessary that the knife should be used, let it be used unsparingly, but let it be used intelligently. When there is need of a drastic remedy, apply it, but do not apply it in the mere spirit of hate. Normally, a pound of construction is worth a ton of destruction.

There is degradation to us if we feel envy and malice and hatred of one's neighbor, for any cause; and if we envy him merely because of his riches, we show we have our-

selves low ideals. Money is a good thing. It is a foolish affectation to deny it. But it is not the only good thing, and after a certain amount has been amassed it ceases to be the chief even of material good things. It is far better, for instance, to do well a bit of work which is well worth doing. I do not care whether this work is that of an engineer on a great railroad, or captain of a fishing boat, or foreman in a factory or machine shop, or section boss, or division chief, or assistant astronomer in an observatory, or a second lieutenant somewhere in China or the Philippines — each man of these has an important piece of work and if he is really interested in it, and has the right stuff in him, he will be altogether too proud of what he is doing and too intent on doing it well, to waste his time in envying others.

From the days when the chosen people received the decalogue, to our own, envy and malice have been recognized as evils, and woe to those who appeal to them. To break the Tenth Commandment is no more moral now than it has been for the past thirty centuries. The vice of envy is not only a dangerous but also a mean vice, for it is always a confession of inferiority. It may provoke conduct which will be fruitful of wrong doing to others; and it must cause misery to the man who feels it. It will not be any the less fruitful of wrong and misery if, as is so often the case with evil motives, it adopts some high sounding alias. The truth is, gentlemen, that each one of us has in him certain passions and instincts which if they gain the upper hand in his soul would mean that the wild beast had come uppermost in him. Envy, malice and hatred are such passions, and they are just as bad if directed against a class or group of men as if directed against an individual.

What we need in our leaders and teachers is help in suppressing such feelings, help in arousing and directing the feelings that are their extreme opposites. Woe to us as a nation if we ever follow the lead of men who seek not to smother but to inflame the wild beast qualities of the human heart! In social and industrial no less than in political reform we can do healthy work, work fit for a free republic, fit for self-governing democracy, only by treading in the footsteps of Washington and Franklin and Adams and Patrick Henry, and not in the steps of Marat and Robespierre.

So far what I have had to say has dealt mainly with our relations with one another in what may be called the service of the State. But the basis of good citizenship is in the home. A man must be a good son, husband and father — a woman a good daughter, wife and mother, first and foremost. There must be no shirking of duties in big things or in little things. The man who will not work hard for his wife and his little ones; the woman who shrinks from bearing and rearing many healthy children; these have no place among the men and women who are striving upward and onward. Of course, the family is the foundation of all the things in the State. Sins against pure and healthy family life are those which of all others are sure in the end to be visited most heavily upon the nation in which they take place. We must beware, moreover, not merely of the great sins, but of the lesser ones which when taken together cause such an appalling aggregate of misery and wrong. The drunkard, the lewd liver, the coward, the liar, the dishonest man, the man who is brutal to or neglectful of parents, wife or children — of all of these the shrift should be short when we speak of decent

citizenship. Every ounce of effort for good in your associations is part of the ceaseless war against the traits which produce such men. But in addition to condemning the grosser forms of evil we must not forget to condemn also the evils of bad temper, lack of gentleness, nagging and whining fretfulness, lack of consideration for others — the evils of selfishness in all its myriad forms. Each man or woman must remember his or her duty to all around, and especially to those closest and nearest, and such remembrance is the best possible preparative to doing duty for the State as a whole.

We ask that these associations, and the men and women who take part in them, practice the Christian doctrines which are preached from every true pulpit. The Decalogue and the Golden Rule must stand as the foundation of every successful effort to better either our social or our political life. "Fear the Lord and walk in His ways," and "let each man love his neighbor as himself" — when we practice these two precepts, the reign of social and civic righteousness will be close at hand. Christianity teaches not only that each of us must so live as to save his own soul, but that each must also strive to do his whole duty by his neighbor. We cannot live up to these teachings as we should; for in the presence of infinite might and infinite wisdom, the strength of the strongest man is but weakness, and the keenest of mortal eyes see but dimly. But each of us can at least strive, as light and strength are given him, towards the ideal. Effort along any one line will not suffice. We must not only be good but strong. We must not only be high-minded but brave-hearted. We must think loftily and we must also work hard. It is not written in the Holy Book that we must merely be harm-

less as doves. It is also written that we must be wise as serpents. Craft unaccompanied by conscience makes the crafty man a social wild beast who preys on the community and must be hunted out of it. Gentleness and sweetness unbacked by strength and high resolve are almost impotent for good. The true Christian is the true citizen, lofty of purpose, resolute in endeavor, ready for a hero's deeds, but never looking down on his task because it is cast in the day of small things; scornful of baseness, awake to his own duties as well as to his rights, following the higher law with reverence, and in this world doing all that in him lies, so that when death comes he may feel that mankind is in some degree better because he has lived.¹

CORRESPONDENCE

LETTER TO MR. DE BERARD RELATIVE TO THE WATER SUPPLY OF THE CITY OF NEW YORK

STATE OF NEW YORK

Executive Chamber

Albany, April 6, 1900

FREDERICK B. DE BERARD, Esq., Merchants' Association,
New York City:

MY DEAR SIR: I thank you for your letter of the 29th ultimo. The veto by the mayor of the Fallows bill, and the passage over his veto of the bill against the practically solid opposition of his party representatives in the Legislature, has emphasized the wisdom of following out just the course we followed this year.

The work already done by the Merchants' Association has brought about two most valuable results: first, the Fallows bill, the principle of which was suggested by you in November last, and the passage of which your agitation made practicable; and, second, the exposure of the true character of the Ramapo scheme, whereby you have checked its present consummation and made future remedial legislation certain. You have thus achieved present protection for the city, so that the immediate urgency is

past. I very earnestly hope that you will continue your work and will co-operate through your committee on water supply with the Charter Revision Commission, so that it may profit by your wide and exhaustive study of the question of the water supply of the city of New York — a study wider and more exhaustive than has ever before been made, and wholly free from any official bias or prejudice. You can supply the Charter Commission with data of the utmost value, and I hope that your special committee will continue its work with this end in view, for you would thus render an additional and important service. Your work should be continued; for at the next session of the Legislature laws must be passed which will afford not a temporary, but a permanent remedy. I also hope that your committee will push for a judicial decision both as to the precise powers under the extraordinary grants to the Ramapo company and as to the exact effect of the phraseology in the charter which brought about the belief in the necessity for the Morgan bill. Personally I trust that next year we can have legislation taking away the excessive and unhealthy powers granted to the Ramapo company, especially under the act of 1895. Even if it be necessary to award compensation for whatever has actually been done under these grants, I hope that the grants can themselves be withdrawn.

As it turned out, it was wise not to endeavor to push through the Morgan bill, especially in view of the differences between your engineers and those of the Comptroller — differences which were more seeming than real, but which rendered it utterly impracticable to get the measure through at this time.

Let me point out to you also that there were very real objections to the Morgan bill in its original form. In your letter you show the grossest and most culpable misconduct on the part of the city officials. Their acts as described by you verge on actual criminality. You show that they attempted to bring about an artificial water panic and that the aid of the State had to be invoked to prevent them from turning waters from polluted ponds into conduits, and that they were barely prevented by an explosion of popular indignation from entering into a most grossly improper contract with the Ramapo company. You show that the city authorities of New York have themselves prepared the laws which disqualify the city from obtaining water through municipal ownership. Such being the case, it was but natural that the country members should object to seeing these same officials, against whom so heavy an indictment is framed, made supreme over the water systems of the country counties. You have shown that the only hope lies not in the action of the city authorities but in the action of the State Legislature and Executive; and finally that the danger is not only to the city of New York but to all of the counties in the eastern part of the State. When it is necessary thus to invoke the aid of the State, and when the legislation asked for is to benefit a city by means of works carried into various country counties, then it is well worth considering whether or not the legislation should be of such a character as will permit these counties a voice in the matter. If Manhattan and Brooklyn are to draw their water supplies from Dutchess or Rockland, or Suffolk or Essex, then the question of home rule is quite as

important to these country counties as it is to the two great metropolitan boroughs. The water can be obtained only through special powers conferred by the State, and the State has a right to impose such conditions as it deems wise in granting these powers. It might be well, while studying the general question, to examine into the methods by which in Massachusetts the city of Boston obtains its water supply.

Let me congratulate you on the masterly manner in which you have exposed the facts in connection with the effort to produce a fictitious water famine, hoping that the panic thereby produced would result in securing a contract for the Ramapo company. The Comptroller believes that the waste of water in New York is so excessive that proper economy will guarantee the city against any possible water famine in the immediate future. You have clearly shown that the immediate danger is not of a water famine, but of an attempt on the part of the city authorities to create a panic by reason of an artificial water famine in order to force a contract with this Ramapo Water Company. In view of this exposure any such effort would now be discounted from the outset.

New York will in the lifetime of men now living be the largest city on the globe, and we should build a water system not for one summer but for half a century to come — a system that shall once for all meet the needs of the future city and be capable of almost automatic expansion as these needs increase.

Yours very truly,

THEODORE ROOSEVELT

LETTER TO MR. DE FOREST GIVING REASONS
FOR A TENEMENT HOUSE COMMISSION

STATE OF NEW YORK

Executive Chamber

April 16, 1900

ROBERT W. DE FOREST, Esq., New York City:

MY DEAR SIR: After much thought I have decided in accordance with your suggestion to appoint a large Tenement House Commission of fifteen men. I do this for these reasons: In the first place, because I find that I wish to represent many different interests; that is, I wish to have lawyers, architects, builders, men prominently connected with charitable work and other forms of philanthropy, men who have taken part in political work of an administrative kind, men who have been owners of tenement houses and men who have been practically interested already in securing a change for the better in tenement house conditions. Moreover, I find that some of the men whom I especially desire to have on the commission will be unable to spare as much time as they would desire for it, but they can take part in a big commission which would delegate certain branches of the work to sub-committees.

I hereby request you to call the first meeting of the commission at an early date so that the Commission can elect a chairman and promptly get down to work.

Faithfully yours,

THEODORE ROOSEVELT

LETTER TO MR. WELCH ACCOMPANYING HIS
APPOINTMENT AS SHERIFF OF WASHING-
TON COUNTY

July 11, 1900

Mr. HENRY WELCH, North Hebron, N. Y.:

SIR: I have concluded to appoint you as sheriff in place of Hulett who has resigned under charges, not venturing to await my decision in the matter. It is unnecessary to say to you that no connection direct or indirect of Mr. Hulett with the office can be tolerated for one moment. I expect you also to remove his under sheriff, clerk and any one else in the office who has had any connection whatever with the purchase of supplies or with any of the acts that have been the subject of charges. I need hardly point out to you that you stand in a position of peculiar delicacy and that it is incumbent upon you to so manage the office as to prevent so much as a suspicion of wrongdoing of any kind attaching to it. I have a right to expect from you that the office shall be managed on the highest plane of efficiency and integrity and wholly without regard to any personal or political consideration.

Very truly yours,

THEODORE ROOSEVELT

LETTER TO THE MAYOR OF NEW YORK CITY
RELATIVE TO THE ORDER OF THE CHIEF
OF POLICE TO DISREGARD THE STATE
ELECTIONS BUREAU

STATE OF NEW YORK

Oyster Bay, November 5, 1900

TO THE MAYOR OF THE CITY OF NEW YORK.

SIR: My attention has been called to the official order issued by Chief of Police Devery, in which he directs his subordinates to disregard the Chief of the State Election Bureau, John McCullagh, and his deputies. Unless you have already taken steps to secure the recall of this order, it is necessary for me to point out that I shall be obliged to hold you responsible as the head of the city government for the action of the Chief of Police if it should result in any breach of the peace and intimidation or any crime whatever against the election laws. The State and city authorities should work together. I will not fail to call to summary account either State or city authority in the event of either being guilty of intimidation or connivance at fraud or of failure to protect every legal voter in his rights. I therefore hereby notify you that in the event of any wrongdoing following upon the failure immediately to recall Chief Devery's order, or upon any action or inaction on the part of Chief Devery, I must necessarily call you to account.

Yours, etc.,

THEODORE ROOSEVELT

LETTER TO THE SHERIFF OF NEW YORK
COUNTY RELATIVE TO THE ORDER OF
THE CHIEF OF POLICE TO DISREGARD
STATE ELECTIONS BUREAU

STATE OF NEW YORK

Oyster Bay, November 5, 1900

TO THE SHERIFF OF THE COUNTY OF NEW YORK.

SIR: My attention has been called to the official order issued by Chief of Police Devery in which he directs his subordinates to disregard the Chief of the State Election Bureau, John McCullagh, and his deputies.

It is your duty to assist in the orderly enforcement of the law and I shall hold you strictly responsible for any breach of the public peace within your county, or for any failure on your part to do your full duty in connection with the election to-morrow.

Yours truly,

THEODORE ROOSEVELT

LETTER TO THE DISTRICT ATTORNEY OF
NEW YORK COUNTY RELATIVE TO THE
ORDER OF THE CHIEF OF POLICE TO DIS-
REGARD STATE ELECTIONS BUREAU

STATE OF NEW YORK

Oyster Bay, November 5, 1900

TO THE DISTRICT ATTORNEY OF THE COUNTY OF NEW
YORK.

SIR: My attention has been called to the official order issued by Chief of Police Devery in which he directs his subordinates to disregard the Chief of the State Election Bureau, John McCullagh, and his deputies.

In view of this order I call your attention to the fact that it is your duty to assist in the orderly enforcement of the law and there must be no failure on your part to do your full duty in the matter.

Yours truly,

THEODORE ROOSEVELT

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